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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	No. 08 CR 888
Government,)	
)	Chicago, Illinois
vs.)	
)	June 8, 2010
ROD BLAGOJEVICH,)	
ROBERT BLAGOJEVICH,)	
)	9:22 o'clock a.m.
Defendants.)	

VOLUME 5
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. ZAGEL
AND A JURY

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INDEX OF EXAMINATION

WITNESS	PAGE
OPENING STATEMENT ON BEHALF OF THE GOVERNMENT	
By Ms. Hamilton.....	560
OPENING STATEMENT ON BEHALF OF ROBERT	
BLAGOJEVICH	
By Mr. Ettinger.....	601
OPENING STATEMENT ON BEHALF OF ROD BLAGOJEVICH	
By Mr. Adam, Jr.....	627

EXHIBITS

.....

1 (The following proceedings were had in open
2 court.

3 THE COURT: Please be seated.

4 Counsel, have you received a list of the
5 numbers? Is there anybody on there who was the
6 subject of peremptory challenge.

7 MR. SCHAR: No, Your Honor.

8 MR. ETTINGER: No, your Honor.

9 THE COURT: For the record, the jurors
10 currently selected to sit are numbers 103, 105, 106,
11 115, 119, 121, 123, 127, 128, 133, 134, 135, 137,
12 148, 151, 153, 155, 156. Mr. walker and the marshal
13 are bringing those 18 individuals up.

14 I believe I said on the record previously
15 that on occasion when this occurs, someone who has
16 been, in fact, selected will raise new objections
17 about having to do with some obligation that they
18 failed to tell us about. In the unlikely event I
19 would be satisfied with that objection, the next
20 prospective juror in order is 166, and after that
21 172. There were peremptory challenges exercised by
22 both parties after 172, so I have confidence that
23 they were considered and we will see what happens
24 when the jurors are brought up.

25 In the meantime, counsel can come to the

1 lectern and we can address some pending motions.

2 MR. SCHAR: For the record, Reid Schar, Chris
3 Niewoehner and Carrie Hamilton on behalf of United
4 States.

5 MR. ETTINGER: Michael Ettinger on behalf of
6 Robert Blagojevich.

7 MR. GOLDSTEIN: Aaron Goldstein and Lauren
8 Kaeseberg on behalf of Rod Blagojevich.

9 THE COURT: I have three motions in front of
10 me, the first motion, which I'm entering and
11 continuing. I think there is very little chance
12 but --

13 The same is true with the motion to dismiss
14 Count 24, which is a motion that could conceivably
15 have merit, but I really need to hear the evidence
16 to make a determination. The motion with respect to
17 impeachment evidence, with respect to a particular
18 witness, I basically need to see whatever expert
19 findings were made and the government should see
20 them as well.

21 MR. GOLDSTEIN: Your Honor, those were
22 provided in the attachment.

23 THE COURT: I don't have the attachment.

24 MR. GOLDSTEIN: I will get those to you.

25 THE COURT: When do you anticipate this

1 witness would be called?

2 MR. SCHAR: Not until later in trial.

3 And I assume it won't be mentioned in
4 opening.

5 THE COURT: No, because I have not authorized
6 it yet.

7 Lastly, yesterday at the close of day the
8 government raised some concerns that some things
9 that they believe were subject of in limine motions
10 might be argued in opening statement. They sent a
11 copy of the letter to me. I am correct that they
12 send it to the defense as well?

13 MR. ADAM, JR.: Yes.

14 MR. GOLDSTEIN: That is correct.

15 THE COURT: With respect to the first item,
16 which is the politics-as-usual argument, is there
17 any intention on anybody's part to make that
18 argument?

19 MR. ADAM, JR.: No, and that has never been,
20 Your Honor.

21 THE COURT: Okay, that's fine. As far as I'm
22 concerned, if you wanted to consider it and rule it
23 out last midnight, that would be fine, too. I just
24 want to know.

25 MR. ADAM, JR.: Yes, your Honor.

1 THE COURT: The second one is the good acts
2 evidence. Are we going to be dealing with good acts
3 evidence --

4 MR. ADAM, JR.: Your Honor --

5 THE COURT: -- in opening statement?

6 MR. ADAM, JR.: That's a little tricky, Your
7 Honor, and only because some of the evidence in this
8 case regarding these particular allegations, there's
9 going to be some evidence of politics and the things
10 he was trying to accomplish in these particular
11 deals; outside of that, we don't anticipate that,
12 Your Honor.

13 would you like a little more clarification?

14 THE COURT: Sure.

15 MR. ADAM, JR.: For instance, Your Honor, the
16 government here has alleged that Rod Blagojevich was
17 trying to sell a senate seat to a senator. It is
18 our contention that his state of mind at the time
19 was not selling a senate seat to anyone but was
20 trying to get a play, a political play, that
21 Attorney General of Illinois would be the subject of
22 an appointment if some political things were done
23 and guaranteed by the Illinois legislature. Those
24 are political things that are going to come out, and
25 it's more things as healthcare, capital bill, those

1 are all subject to conversations, literally hundreds
2 of conversations that the government has known about
3 for a very long time.

4 I do plan on going into the defendant's state
5 of mind, the things he was trying to accomplish, his
6 acts and the way he was doing his acts to get that
7 particular political play.

8 THE COURT: The one concern I have that
9 is--and I made these rulings before--my concern is
10 is that the chances of the defendant offering, on
11 his own, prior recorded conversations and succeeding
12 in getting into evidence are extremely remote,
13 because his offering them on his own behalf is
14 hearsay.

15 That doesn't mean he can't make the defense,
16 but my concern would be that you're putting your
17 client in a position where if he does not,
18 essentially, take the witness stand, he may have
19 some difficulties.

20 So the answer to the question is, if you want
21 to say, predicting what evidence will appear, that
22 the defendant who testified to X, Y and Z and that
23 this was his intend, that you may do.

24 MR. ADAM, JR.: Yes, your Honor.

25 THE COURT: The one thing you may not do is

1 say that the recordings will establish this or you
2 may not say the recordings will corroborate this.

3 MR. ADAM, JR.: Yes, your Honor.

4 THE COURT: There's one circumstance in which
5 you might possibly get parts of the recording in,
6 but they have nothing to do with this particular
7 argument. So that's my ruling with respect to that.

8 MR. ADAM, JR.: Yes, your Honor.

9 THE COURT: That also brings up the
10 statement, which a defense lawyer said that the
11 defense is going to try to put in the tapes, I think
12 I've already dealt with that. And there's nothing
13 wrong with trying to put in the tapes, but it's not
14 something you argue to the jury, it's something you
15 argue with me. If I say no, you can't tell the jury
16 that we have this great evidence and the judge
17 wouldn't let it in. You can say that to a court of
18 appeal in case this verdict comes up with something
19 that is appealable, but you can't say it to the
20 jury.

21 There is reference made about issues having
22 to do with outrageous government conduct and
23 selective prosecution. Those arguments can be made
24 only to me, not to the jury, and you are forbidden
25 from making them or suggesting them.

1 There is one thing that's noted, and I have
2 no idea whether this is true or not, it's the flip
3 note in the government's letter, the flip note
4 reads:

5 "The government notes that defendant, Rod
6 Blagojevich, has indicated he intends to use
7 Twitter to communicate throughout the trial, as
8 well as routinely appear on radio to discuss
9 the trial."

10 I do not want anybody in the well of the
11 court using "Twitter" during trial. That's a minor
12 issue.

13 MR. ADAM, JR.: That will not happen.

14 THE COURT: That's a minor issue.

15 The issue of whether it would be appropriate
16 to enter an order with respect to anybody
17 communicating during trial is something that I would
18 have to address at a time that the government or
19 someone else brought to my attention exactly what
20 was being said. It's premature to do it now. My
21 only concern is this, and I am sure that the
22 defendant, Rod Blagojevich, has advised of this, you
23 do get to a certain point in time where if you make
24 a lot of statements on radio or in public standing
25 in front of courthouse and you wind up testifying in

1 the witness stand, questions having to do with
2 impeachment by omission arise. And it's
3 particularly an issue in the context of a case like
4 this as statements are made to the press, because,
5 generally speaking, if you make a statement to the
6 press, they're not going to stand there for 15,
7 20 minutes and listen to your whole discussion and
8 you wind up with a reported statement of something
9 which omits maybe an important detail or a detail
10 that becomes important during examination on the
11 witness stand.

12 And as long as I'm satisfied that the
13 defendant, who is in court and listening to me
14 understands this, and I'm quite sure it's been
15 explained to him by his attorneys, that there is a
16 risk that an adverse inference might be created by
17 repeated public statements outside the courtroom,
18 that's merely an admonition.

19 Anything else I have to deal with?

20 MR. SCHAR: Judge, I assume any motions for a
21 mistrial will be done at sidebar and not in front of
22 jury?

23 THE COURT: Yes.

24 MR. SCHAR: In terms of exclusion of
25 witnesses, the government has two case agents that

1 it would seek to allow to sit at the table during
2 the pendency of the trial; beyond that, we will
3 abide by whatever exclusion of witnesses your Honor
4 views as appropriate.

5 THE COURT: Well, that's the customary
6 permission that's given.

7 And for the defense?

8 MR. ADAM, JR.: Your Honor, we ask that
9 defendant's wife, Patti Blagojevich, be allowed to
10 watch the trial. Even though she is on the list, we
11 do ask that she be allowed to watch the trial, other
12 than that, we abide by anything Your Honor says, but
13 we would ask that.

14 THE COURT: What I'm inclined to do is permit
15 her to be in attendance at the trial and allow the
16 government to raise objections when some specific
17 witness testifies that they feel is inappropriate
18 for her to be present, which I think is probably not
19 a lot of the government's case. So it's possible
20 for a brief period she might be excluded, but,
21 generally speaking, I'm not excluding her.

22 MR. ETtinger: Judge, my client's wife,
23 Julie, is in attendance, and I don't think she's
24 going to be here for a lot of the trial, I have told
25 the government that.

1 THE COURT: Same ruling.

2 MR. ETTINGER: Okay.

3 THE COURT: Anything else?

4 MR. SCHAR: No, Judge.

:07AM

5 MR. ADAM, JR.: Just two very brief issues.

6 THE COURT: Go ahead.

7 MR. ADAM, JR.: One is, Your Honor gave us
8 permission to decide on the defense who goes first
9 and second. We ask to exercise that Robert

:08AM

10 Blagojevich go first on the opening statements.

11 MR. SCHAR: No objection.

12 THE COURT: All right.

13 MR. SCHAR: I was just going to add, we do
14 have one other witness in the courtroom who is a
15 potential government witness, an agent, who would
16 only be here for openings, if that's permissible.

:08AM

17 THE COURT: Sure.

18 MR. SCHAR: Thank you, judge.

19 MR. ADAM, JR.: And second issue

:08AM

20 THE COURT: Go ahead. Sorry.

21 MR. ADAM, JR.: And, secondly, just to remind
22 the Court that Rod Blagojevich's daughter is
23 graduating tonight between 5:30 and 6:00, just to
24 make the Court aware. If we could do opening
25 statements and start evidence tomorrow?

:08AM

1 THE COURT: We're going to do the opening
2 statements today.

3 MR. ADAM, JR.: Yes, sir.

4 THE COURT: And it's possible, since you are
5 going last, that you might want to shorten your own
6 statement.

7 MR. ADAM, JR.: Yes, sir.

8 THE COURT: We will resume when I'm satisfied
9 that we have a jury. If the next thing you see is
10 18 people coming in and taking their seats, you can
11 assume, for purposes of the record, that no one of
12 those 18 has asked to be excused. If someone has
13 been, then we will do whatever we have to do in open
14 court.

15 MR. SCHAR: Thank you, Judge.

16 MR. ADAM, JR.: Thank you.

17 : Thank you.

18 (Recess.)

19 (The following proceedings were had in open
20 court:)

21 THE CLERK: We will resume on the record.
22 Please remain seated.

23

24

25

:08AM

:09AM

1 (Proceedings heard at sidebar on the record.)

2 THE COURT: One juror used the word "hardship"
3 and wanted to talk to somebody. It's this
4 juror 134.

5 (Brief pause)

6 THE COURT: Were she to be excused, were she
7 to be excused her replacement would be 166.

8 MS. SCHROEDER: Okay.

9 (Brief pause)

10 MR. SCHAR: Judge, just so I'm clear, if
11 she's excused, then first alternative right now
12 would sit on the jury and then the last alternative
13 would become --

14 THE COURT: This person would become 18. The
15 one we're talking about now is 11, number 11.

16 MR. GOLDSTEIN: So 166 would move up the
17 line?

18 THE COURT: Right. 166 would become 18. 166
19 will not replace this 134. What would replace 134
20 would be 137.

21 MR. SCHAR: 137. Okay.

22 THE COURT: And I have to tell you, I'm
23 disinclined to let her go. This is too late, and I
24 can't imagine anything she would tell me, other than
25 the fact that probably she has learned what the

1 employer pays her. I mean, nothing is in her social
2 life that would tend to justify that, and I don't
3 like to leave this open.

4 So what are people's views?

:21AM 5 MR. SCHAR: Judge, the only concern I would
6 have is that tomorrow or the next day she comes back
7 with--and I don't know if you've talked to her
8 yet--but comes back with a much more significant
9 explanation, such as she is only getting paid for
:21AM 10 three days and it's a real issue, then we'll really
11 start out with 17, because at that point we've
12 already lost effectively one, I don't know if it's
13 worth it.

14 THE COURT: Your view?

:22AM 15 MR. SANDERS: As much as it pains me to say
16 this, I agree with the government on that.

17 THE COURT: Okay. What we can do is, bring
18 her out here now, which I'm going to do at sidebar.
19 If you would get number 134.

:22AM 20 THE CLERK: Yes.

21 MR. SCHAR: Judge, might I invite one of my
22 co-counsel to join?

23 THE COURT: Yeah. Anybody can join us.

:22AM 24 MR. ETTINGER: Judge, we had Robyn Molaro
25 file her appearance today.

1 THE COURT: Okay.

2 MR. ETTINGER: It's just proper procedure.

3 (Brief pause).

4 (Prospective juror at sidebar:)

:23AM

5 THE COURT: Hi. Why don't you stand right
6 there.

7 Don't be disturbed by the very large number
8 of people, it's just two of us.

9 You wanted to see me?

:23AM

10 PROSPECTIVE JUROR: Yes; I was hoping to see
11 if there's any possible way that I can be excused
12 because I don't get paid for this in my office and
13 it's my hardship, and I will lose my house and
14 everything, and I have two small children. We're
15 struggling financially and hardly making the house
16 payment a month.

:24AM

17 THE COURT: How long do they pay you for?

18 PROSPECTIVE JUROR: Ten days. I wasn't sure
19 if they paid or didn't pay. I don't have -- I don't
20 know if my insurance would pay or didn't pay either.

:24AM

21 THE COURT: What does your husband do?

22 PROSPECTIVE JUROR: He works for the family
23 business. He is a distributor. He's a sales
24 Manager.

:24AM

25 THE COURT: Okay. What do you get paid?

1 PROSPECTIVE JUROR: I'm sorry?

2 THE COURT: What do you get paid?

3 PROSPECTIVE JUROR: I get paid, it's 1500
4 after taxes every two weeks.

:25AM

5 THE COURT: And what does your husband get
6 paid?

:25AM

7 PROSPECTIVE JUROR: The same. His check is
8 1400 every two weeks. I pay about \$500 for day-care
9 for both of my children and then our mortgage, and
10 then on top of that I have car payments and credit
11 cards, and everything else.

12 THE COURT: Why didn't you say this before?

:25AM

13 PROSPECTIVE JUROR: I answered your question
14 and didn't know I was able to speak or say anything
15 else.

16 THE COURT: We asked the question which asks
17 is there anything else which would make it difficult
18 for you to serve.

:26AM

19 PROSPECTIVE JUROR: I'm sorry, I was just
20 very nervous.

21 THE COURT: Okay. Let me give this some
22 thought, but you can go back to the jury room.

:26AM

23 PROSPECTIVE JUROR: Thank you.

24 (Prospective juror exits sidebar:)

25 (Brief pause)

1 THE COURT: Originally, I actually thought
2 that part of her concern would be her very young
3 children, since they have a 3 year old and a 20
4 month old, but then I recall she's the one, there's
5 a large family, and they have to take care of the
6 kids.

7 Anyone want to say something on this?

8 MR. S. ADAM, JR.: Well, we did find her
9 acceptable, Your Honor. This is, you know, that
10 they are making three grand, total, I guess, a
11 month, and if she's out, it seems to me that might
12 be a hardship because we are planning to be here
13 four months. I would have no objection if Your
14 Honor struck her and moved in 166.

15 MR. SCHAR: I tend to agree with Mr. Adam. I
16 mean, her demeanor, certainly, I don't think anyone
17 wants to do this, she is extremely upset about being
18 here.

19 MR. ETtinger: I just wanted to know who is
20 the next juror that would take her place? You said
21 the one -- the one we said before, 137?

22 MS. SCHROEDER: Right.

23 MR. ETtinger: We have no objection, Judge.

24 MS. SCHROEDER: We don't want her worrying
25 about making her bills when she's sitting on the

1 jury.

2 MR. ETTINGER: So then we'll have an
3 additional alternate, too.

4 THE COURT: Anybody have a problem with the
5 new number 18 juror?

6 MR. SCHAR: No, Judge.

7 MR. S. ADAM, JR.: No.

8 THE COURT: All right.

9 (The following proceedings were had in open
10 court:)

11 THE CLERK: Please remain seated.

12 THE COURT: It should be noted for the record
13 that juror 134 has been excused for hardship grounds
14 after satisfying Court and counsel not only of
15 adequate reason for hardship, but of the reason that
16 had not previously been disclosed. Juror 134 is,
17 therefore, excused and juror 166 is added to the
18 list.

19 With respect to scheduling, I had hoped to
20 begin openings at 11:00, because of this delay,
21 we're going to alter the schedule. Because of my
22 experience of what happens when you have hungry
23 jurors, we're going to swear the jury in, give them
24 the preliminary instructions, and then we are going
25 to adjourn and we'll begin with the opening

1 statements right about 1:00 o'clock this afternoon.

2 Bring them in.

3 (Brief pause).

4 THE MARSHAL: All rise.

5 (The following proceedings were had in the
6 presence of the prospective jury in open
7 court:)

8 THE COURT: Please remain standing.

9 One of the things about jury service that at
10 least is very similar to the grammar school that I
11 went to is we stand up and we sit down together.

12 Before you sit down, Mr. Walker will
13 administer the oath.

14 THE CLERK: Would each of the jurors please
15 raise your right hand.

16 (Whereupon the venire were duly sworn for
17 examination upon their voir dire and examined
18 until jurors were accepted by counsel for the
19 government and counsel for the defendants and
20 duly sworn to try the issues, after which the
21 following further proceedings were had herein:)

22 THE CLERK: Thank you.

23 Please be seated in the courtroom.

24 THE COURT: I'm going to give you some
25 preliminary instructions. I also want to tell you

1 that the seats you're sitting in now, you're not
2 stuck with them forever. If you want to change
3 seats, that's fine with me.

4 I'm going to give you some preliminary
5 instructions which will guide you in your
6 participation in the trial.

7 You have two duties as a jury. Your first is
8 to decide the facts from the evidence in the case,
9 this is your job and yours alone.

10 Your second duty is to apply the law that I
11 give you to those facts. You must follow my
12 instructions about the law even if you disagree with
13 them.

14 Each of the instructions I give you not only
15 the ones at the end of trial but if I give you any
16 during trial, each of them is important and you must
17 follow all of them.

18 Nothing I say now and nothing I say or do
19 during trial is meant to indicate any opinion on my
20 part about what the facts are or what your verdict
21 should be.

22 The evidence from which you will find the
23 facts is going to consist of the testimony of
24 witnesses, some documents, other things received
25 into the record as exhibits, and there may be some

1 facts that the lawyers agree to or stipulate, and
2 under certain circumstances I can take judicial
3 notice of a fact, but that's very rare.

4 Certain things are not evidence and must not
5 be considered by you, and I'll list them for you
6 now:

7 Statements, arguments, and questions by
8 lawyers are not evidence. The basic rule in a
9 courtroom is, what is said to you from the well of
10 the court, which is that center area (indicating,)
11 are generally not evidence. What is evidence is
12 what comes from the witness stand or exhibits that
13 you are shown or listen to or given to examine.

14 Objections to questions are not evidence.
15 Lawyers have an obligation to their clients to make
16 an objection when they believe that evidence is
17 being offered improperly. You shouldn't be
18 influenced by the objection or by my ruling on it.
19 If the objection is sustained, you should ignore the
20 question. If it is overruled, you must treat the
21 answer like any other.

22 If you are instructed that some item is
23 received for a limited purpose only, you must follow
24 that instruction. When or if I give you such an
25 instruction, I will explain it clearly to you or at

1 least as clearly as I can.

2 Anything that I've excluded or told you to
3 disregard is not evidence and must not be
4 considered. Some people, when they hear that
5 instruction, believe that I'm telling them that if I
6 excluded evidence and told you to disregard it, I'm,
7 in fact, instructing you to forget it. This is not
8 what I'm instructing you to do. In fact, I can't
9 imagine anything that would cause you to remember
10 something clearly would be for me to point at it and
11 tell you to forget it. What I'm telling you is that
12 when you go back and decide the case, as we
13 sometimes say you put evidence on the scales and
14 weigh it, you have to leave anything I've told you
15 to disregard off those scales.

16 Anything you've seen or heard outside the
17 courtroom is not evidence and must be disregarded.
18 You are to decide the case solely on the evidence
19 presented here in the courtroom.

20 I'm sure all of you have heard phrases
21 "circumstances evidence" and "direct evidence."
22 Circumstantial evidence is evidence of a proof of a
23 series of facts which tend to show whether the
24 defendant is guilty or not guilty.

25 Direct evidence is the testimony of someone

1 who claims to have personal knowledge of the
2 commission of a crime, such as an eyewitness.

3 The law makes no distinction between these
4 two. You are supposed to consider both the direct
5 and circumstantial evidence in reaching your
6 verdict.

7 It is your decision to decide how much weight
8 to give to any evidence. All of the evidence in the
9 case, circumstantial or otherwise, should be
10 considered by you in reaching your verdict.

11 One of your principal jobs, many people think
12 the most important job, is that you have to decide
13 whether the testimony of each of the witnesses is
14 truthful and accurate, in part, in whole, or not at
15 all, as well as any weight, if any, you give to the
16 testimony of each witness.

17 There are three basic rules about a criminal
18 case that you must keep in mind:

19 First, both defendants are presumed innocent
20 until proven guilty. The indictment brought against
21 them is only an accusation, nothing more. It is not
22 proof of guilt and any defendant starts out with a
23 clean slate.

24 Second, the burden of proof is on the
25 government. Until the very end of the case, the

1 defendant has no burden to prove his innocence or to
2 present any evidence or to testify. Since the
3 defendant has a right to remain silent, the law
4 prohibits you from arriving at your verdict by
5 considering that any defendant may not have
6 testified.

7 Third, the government must prove a
8 defendant's guilt beyond a reasonable doubt. I will
9 give you further instructions on this point later.

10 Some words about your conduct as jurors. I
11 instruct you that during the time trial you are not
12 to discuss the case with anyone or to permit anyone
13 to discuss it with you. Until you retire to the
14 jury room at the end of the case to deliberate on
15 your verdict, you are simply not to talk about this
16 case.

17 Sometimes that instruction is puzzling
18 because you think if you go back to the jury room
19 you can't discuss anything that happened in the
20 courtroom. And there are things you can discuss
21 about what happened in the courtroom, some of them
22 are going to be fairly obvious. If some lawyer
23 trips on his way to the witness stand, you are free
24 to talk about that amongst yourselves. What the
25 message is is that you must not talk about the

1 evidence in a way that might, even in the most
2 remote way, lead you to reach conclusions about the
3 case.

4 The most important thing, and it's going to
5 be obvious to you in a trial of this length is,
6 you're not going to hear the whole case at once.
7 Evidence is going to come in and you're not going to
8 understand the significance until you hear other
9 evidence, which is why you don't want to talk about
10 it.

11 Another thing is is when you go home at
12 night, or on Fridays if you go to work, people are
13 going to ask you what you've been doing and you're
14 going to tell them that you've been selected for a
15 jury in federal court and they're going to ask you
16 what it's about.

17 Don't answer those questions. If it's
18 somebody who is close to you, tell them that you
19 will tell them everything they want to know about
20 the trial after it's over. You'll bore them to
21 tears for hours on end, but not until the trial is
22 over.

23 And there is a reason for this. If you sit
24 in court for six hours one day and somebody asks you
25 what happened, your best friend, you're not going to

1 take six hours to tell that person. You're going to
2 condense it. And when you condense it, you're going
3 to begin to edit your experiences. You're going to
4 make a decision about what is important and what's
5 interesting and what isn't, and you're going to be
6 making that decision before you have the perspective
7 of all the evidence, and sometimes once you make
8 that decision, that something really important has
9 occurred, it gets very difficult to dislodge it from
10 your mind.

11 And, again, I reiterate, you really have to
12 keep an open mind because over a period of time,
13 what you sometimes thought testimony meant, it turns
14 out it didn't mean that, or sometimes it meant
15 something much more important.

16 Don't read or listen to anything touching
17 on this case in any way. Obviously, if there are
18 news reports about this and you watch television,
19 you are likely to hear the first few words. Don't
20 listen. Turn the television off, change the
21 channel, do something to avoid it.

22 If anyone, some stranger, should try to talk
23 to you about it, you must bring it to the attention
24 of the Court promptly, that is to say any court
25 official, and if I'm the first one you run into, you

1 can bring it to my attention as well.

2 when you enter the building, I want you to
3 use the south elevators, everybody else involved in
4 this case is going to use the north elevators. But
5 it's possible when you enter the lobby, you may see
6 one of the lawyers or one of the parties in this
7 case or a witness. Do not be offended if they
8 ignore you, and you should ignore them. No hello,
9 no good afternoon, just ignore anybody involved in
10 this case in the courthouse.

11 Don't try to do any research or make any
12 investigation about this case on your own, that is
13 particularly significant in this case. But the
14 truth of the matter is is by the time you've heard
15 all of the evidence in this case, I don't imagine
16 that there is going to be a lot left that you
17 haven't heard, but I want you to hear it in the
18 courtroom, not outside the courtroom.

19 I reiterate, don't form any opinion until all
20 the evidence is in. You have to keep an open mind
21 until you start your deliberations at the end of the
22 case in order to be a fair juror.

23 You can take notes, if you want to. You will
24 be given material, a notebook and a pencil or a pen
25 to write with. You don't have to take notes. If

1 you do take notes, you should leave them in the jury
2 room when you leave at night and remember they are
3 only for your personal use.

4 We are going to take a break, and when we
5 resume, the trial is going to begin. It will begin
6 with the government's opening statement, which is
7 simply an outline to help you understand the
8 evidence as it comes in. Think of it as a
9 prediction of what the evidence is going to show. A
10 defendant's attorneys, in this case two defendants,
11 will also make opening statements.

12 Opening statements are not evidence. That's
13 going to be the first example of something you hear
14 from the well of the courtroom. They are lawyers
15 predicting what the evidence will be, and that
16 prediction could turn out to be wrong. It's not the
17 evidence, it's something that gives you a whole
18 picture so that it will be a little easier for you
19 to fit the individual testimony of witnesses in
20 place.

21 The government then presents its witnesses,
22 counsel for the defendants may cross-examine them.
23 Following the government's case, any defendant may
24 present witnesses who the government may
25 cross-examine.

1 After all the evidence is in, the attorneys
2 will present their closing arguments to summarize
3 and interpret the evidence for you. And those will
4 be arguments as opposed to predictions about what
5 the evidence is going to show. I will then instruct
6 you, after that you will retire to deliberate on
7 your verdict.

8 with that instruction, the jury is excused
9 until 1:00 o'clock.

10 THE MARSHAL: All rise.
11 (The following proceedings were had out of the
12 presence of the jury in open court:)

13 THE COURT: See you later.

14

15

16 (Luncheon recess taken from 11:51 o'clock a.m.
17 to 1:00 o'clock p.m.)

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

1	UNITED STATES OF AMERICA,)	
2)	
3)	
4	Government,)	No. 08 CR 888
5)	
6	vs.)	Chicago, Illinois
7	Rod BLAGOJEVICH,)	June 8, 2010
8	ROBERT BLAGOJEVICH,)	
9)	
10	Defendants.)	1:17 o'clock p.m.

VOLUME 5
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. ZAGEL
AND A JURY

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opening statement - on behalf of the government 560

1 THE CLERK: All rise.

2 (The following proceedings were had in the
3 presence of the jury in open court:)

4 THE COURT: Please be seated.

:17PM

5 You may begin.

6 THE COURT: Please be seated.

7 You may begin.

8 MS. HAMILTON: Thank you, Your Honor.

9 OPENING STATEMENT ON BEHALF OF THE GOVERNMENT

:17PM

10 BY MS. HAMILTON: On the north side of
11 Chicago there's a hospital called Children's
12 Memorial Hospital. Children's Memorial is a
13 non-profit hospital that treats the kids no matter
14 where they are from and whether or not they can pay.

:17PM

15 In 2008 Children's Memorial Hospital was
16 trying to get money from the State of Illinois to
17 help pay doctors who treat underprivileged kids at
18 the hospital.

:18PM

19 In the fall of 2008, then Governor Rod
20 Blagojevich agreed to commit millions of dollars in
21 state funds to help Children's pay its doctors, but
22 there was a catch.

:18PM

23 Now that he had decided to help the hospital,
24 he wanted to make sure the hospital was going to
25 help him. So after he delivered the good news to

opening statement - on behalf of the government 561

1 the president of the hospital, he had his brother,
2 Robert Blagojevich, follow up with a different
3 message: It was time for the hospital's president
4 to raise tens of thousands of dollars in campaign
5 contributions for the Governor.

:18PM

6 But the hospital's president deliberately
7 ignored Robert Blagojevich's repeated calls. And so
8 Robert Blagojevich decided if the hospital's
9 president wasn't going to help him, he wasn't going
10 to help the hospital, and, instead, Illinois money
11 that was committed to help Children's pay its
12 doctors was put on hold.

:19PM

13 This was just one in a series of illegal
14 shakedowns that started shortly after defendant Rod
15 Blagojevich became governor of the State of Illinois
16 in 2003 and continued until he was arrested at the
17 end of 2008.

:19PM

18 In these illegal shakedowns, defendant Rod
19 Blagojevich was trying to use his power as governor
20 to get something of personal benefit for himself.

:19PM

21 As governor of the State of Illinois,
22 defendant Rod Blagojevich regularly made important
23 decisions that affected the daily lives of people
24 throughout the State of Illinois. Sometimes these
25 decisions were far-reaching, like how many billions

:20PM

opening statement - on behalf of the government 562

1 of dollars the State of Illinois should borrow in a
2 budget crisis or how many billions of dollars in
3 State of Illinois money should be used to work on
4 the Tollway system. Sometimes the decisions were
5 more narrow, but they were just as significant, like
6 whether and when he should sign a bill into law, or
7 whether a particular school in need would get state
8 funds, or, with the Children's hospital, whether
9 state money will be used to help pay the doctors.

10 with all of this power came responsibility.

11 And when he made those decisions, he was not
12 supposed to do so because of how much money went
13 into his campaign fund or how much money went into
14 his own pocket or the pocket of a friend or
15 associate. But what you are going to learn in this
16 trial is, in a number of instances, that is exactly
17 what happened.

18 I'm going to talk with you this morning about
19 a number of illegal shakedowns that happened while
20 defendant Rod Blagojevich was governor of the State
21 of Illinois in those instances when he was supposed
22 to be asking "what about the people of Illinois," he
23 was asking "what about me."

24 So what you are going to see in this case is
25 that in 2003 when the State of Illinois wanted to

opening statement - on behalf of the government 563

1 borrow 10 billion dollars, defendant Rod Blagojevich
2 wanted to know "what about me" and the answer was a
3 \$500,000 kickback.

4 In 2004, when the State Board was making
5 decisions about how to invest Illinois Teachers
6 retirement money, Defendant Blagojevich was then in
7 line to get hundreds of thousands of dollars in
8 kickbacks.

9 In 2006, when he needed to decide whether a
10 school in need would to get state grant money, he
11 wanted to know "what about me." And the answer? A
12 campaign fundraiser.

13 In 2008, when he was deciding how many
14 billions of dollars in state money would be used to
15 work on the tollway system, Defendant Blagojevich
16 wanted to know "what about me," and the answer there
17 was \$500,000 campaign contribution.

18 Again, in 2008, when he was deciding whether
19 and when to sign a bill into law that dealt with the
20 horse racing industry, he wanted to know "what about
21 me" and the answer was \$100,000 campaign
22 contribution.

23 Again, in 2008, when the Children's Hospital
24 wanted money to pay its doctors, he wanted to know
25 "what about me," and the answer was a \$25,000

1 campaign contribution.

2 And, finally, in 2008, when the people of
3 Illinois wanted to know who would represent them now
4 that Barack Obama had been elected President of the
5 United States, Defendant Blagojevich wanted to know
6 "what about me." And the answer? He wanted a job
7 for himself and when that didn't work he wanted over
8 a million dollars in campaign contributions.

9 Now, the goal of these illegal shakedowns was
10 to try to fill his campaign fund or to line his own
11 pocket, and the plan was to do that using power he
12 held as governor to try and get something of value
13 for himself.

14 But he didn't do that alone. There were a
15 number of trusted aids and friends who helped him
16 along the way. You will hear from some of them
17 during this trial. Some of them have plead guilty
18 because of their role in this corruption.

19 You will also learn that as time went on,
20 there were fewer and fewer people who defendant Rod
21 Blagojevich could trust to help him. So in the
22 summer of 2008 he turned to his brother, Defendant
23 Robert Blagojevich, to come run the campaign fund,
24 and, ultimately, Defendant Robert Blagojevich helped
25 him shake people down for campaign contributions;

opening statement - on behalf of the government 565

1 because of that, the defendants have been charged in
2 a criminal indictment.

3 My name is Carrie Hamilton. Reid Schar,
4 Chris Niewoehner and I are Assistant United States
5 Attorneys; Dan Cain and Jay Hagstrom are FBI agents;
6 and, together, we represent the United States.

7 As the defendants sit here today, they are
8 presumed innocent. It is the government's burden,
9 it is our burden at this table to prove them guilty
10 beyond a reasonable doubt. It is a burden that we
11 embrace and that we will meet in this case.

12 I will be talking to you for the next hour or
13 so about what I expect the evidence will be that
14 will prove these two defendants guilty beyond a
15 reasonable doubt. First, I'm going to talk to you
16 about what we are going to prove and then I'm going
17 to explain how we are going to prove it.

18 Now, because the defendants are brothers and
19 have very similar names, I want to make sure it's
20 clear to you who I am talking about as I walk
21 through the evidence. So as I talk about the
22 evidence, if I am referring to former Governor Rod
23 Blagojevich, I will refer to him as Defendant
24 Blagojevich, if I am referring to his brother, I
25 will refer to him as Defendant Robert Blagojevich.

opening statement - on behalf of the government 566

1 Now, as I walk through these deals this
2 afternoon, I won't be mentioning Defendant Robert
3 Blagojevich early on. As I said, he didn't join his
4 brother's corruption until the summer of 2008. So
5 as I talk about the pension deal, the teachers
6 board, and the school, you won't hear anything about
7 Defendant Robert Blagojevich. Once we get to the
8 fall of 2008, the evidence will show Defendant
9 Robert Blagojevich involved in the illegal
10 shakedowns, specifically Children's Hospital and the
11 senate seat.

12 Now, what you are going to learn is that
13 shortly after Defendant Blagojevich took office as
14 governor in 2003, there was a plan in place for him
15 and his inner circle to try to cash in on his power
16 as governor to personally profit.

17 And his trusted inner circle, you'll learn,
18 were his longtime friend, campaign fundraiser and
19 Chief of Staff, Lon Monk, and two of his top
20 fundraisers, Tony Rezko and Chris Kelly, who had
21 been responsible for fundraising record amounts of
22 money for the election of 2002.

23 You are going to hear about meetings where
24 these four men, this inner circle, sat together and
25 devised ways to divide up the State of Illinois for

1 their own personal profit.

2 Now, their plan was not that Defendant
3 Blagojevich would go out and himself shake people
4 down and demand campaign contributions or demand
5 money in exchange for decisions he was making as
6 governor. Their plan was different.

7 Tony Rezko and Chris Kelly, as I said, they
8 had been two big fundraisers and they had developed
9 relationships because of what they had done through
10 their fundraising. So the plan was that they would
11 be able to identify people who they trusted who can
12 then be put in state deals, put on state boards,
13 given state jobs, state contracts, otherwise put in
14 state deals and then kick money back to the inner
15 circle.

16 Lon Monk, as Chief of Staff, and Defendant
17 Blagojevich as governor, would do what they needed
18 to do to have those trusted insiders put into state
19 deals and in that way it was the inner circle's plan
20 that they would personally profit from decisions
21 Defendant Blagojevich had as governor.

22 Now, what you are going to learn through the
23 course of the trial is, the way that they did this
24 varied over time, but you are going to see the same
25 general pattern as to how the illegal shakedown

1 happened.

2 So as I said, as governor, Defendant
3 Blagojevich was responsible for a number of state
4 decisions. Now, for each decision he's making, it's
5 important. It's important to different people for
6 different reasons, and so the plan was to take
7 advantage of somebody who was interested in that
8 decision to try to get something for himself.

9 And as I said, it wasn't that he would go out
10 and do it himself, instead the demand would be made
11 by the middleman for that personal benefit.

12 And what you're going to see is that early
13 on, the middlemen that were used were Lon Monk,
14 Chris Kelly and Tony Rezko. Later, as I said, he
15 uses his brother, Defendant Robert Blagojevich, as
16 the middleman, and you'll hear about other deals
17 where there are still other middlemen who are used.

18 But as we walk through the evidence and as it
19 comes in, you are going to see this same general
20 pattern. There is a state power controlled by
21 Defendant Blagojevich and then he tries to take
22 advantage of the interest that somebody has in that
23 state power to get something of benefit for himself.

24 Now, I want to talk briefly about the
25 campaign fund. Defendant Blagojevich had a campaign

opening statement - on behalf of the government 569

1 fund you'll hear referred to as Friends of
2 Blagojevich or FOB.

3 Friends of Blagojevich was an entity separate
4 and apart from the State of Illinois. It held the
5 campaign contributions that were made to Defendant
6 Blagojevich, and, ultimately, he controlled how that
7 money was spent.

8 One of the things you're going to learn in
9 the course of this trial is that, in politics, money
10 is power. The more money in that campaign fund, the
11 more power Defendant Blagojevich could wield as
12 governor, and the inner circle knew this.

13 So part of the plan was to try to build up
14 that campaign fund because they knew the more money
15 in that campaign fund, the more power Defendant
16 Blagojevich could yield and the more opportunity
17 they would have to try and personally profit from
18 decisions he was making as governor.

19 So the first deal you're going to hear about
20 involved the state pension bill. What you are going
21 to learn is that in the spring of 2003 the state was
22 arranging to borrow \$10 billion to deal with the
23 budget crisis, and the idea was that the \$10 billion
24 would be borrowed and then given to the state
25 pension board to invest.

opening statement - on behalf of the government 570

1 In order to do this, the state needed to hire
2 an investment firm to lead the deal. Because of the
3 huge size of the deal, it was \$10 billion, the
4 investment firm that would be chosen to lead the
5 deal stood to make millions of dollars in fees, and
6 the decision of what firm would get that lead role
7 rested in the hands of Defendant Blagojevich.

8 You will learn that he chose an investment
9 firm called Bear Stearns. What you will also learn
10 is that the inner circle had fixed that decision,
11 and they had fixed the decision because they had
12 arranged to share \$500,000 from the deal.

13 The plan was that Tony Rezko would hold that
14 \$500,000 and it would be distributed after Defendant
15 Blagojevich was no longer governor. They wanted to
16 make sure that there was no obvious connection that
17 they were personally profiting from this state deal.

18 So what you will see is that Tony Rezko
19 arranged for an insider at Bear Stearns to send
20 money to a friend and associate of Tony Rezko's who
21 then distributed the money at Tony Rezko's
22 direction.

23 So what the evidence will show is that when
24 the State of Illinois needed to borrow \$10 billion,
25 Defendant Blagojevich wanted to know "what about me"

opening statement - on behalf of the government 571

1 and the answer in this case was the \$500,000
2 kickback.

3 Now, as I said, they wanted to make sure that
4 there was no obvious money trail from the state deal
5 to the inner circle, and so the plan was for Tony
6 Rezko to hang on to that money until Defendant
7 Blagojevich was no longer governor, but what you're
8 going to learn is that Tony Rezko came up with other
9 ways to get money to members of the inner circle.

10 One of the ways he did this was that he paid
11 Defendant Blagojevich's wife over \$150,000 in 2003
12 and 2004. One of the things that he did was,
13 starting in October of 2003, Tony Rezko paid
14 Defendant Blagojevich's wife \$12,000 a month in a
15 consulting fee. You're also going to learn that
16 Defendant Blagojevich's wife was paid out of Tony
17 Rezko's real estate company for deals she never
18 worked on.

19 You're also going to learn that Tony Rezko
20 was giving cash, tens of thousands of dollars in
21 cash to Lon Monk in 2004.

22 So what you will see is that Tony Rezko is
23 finding ways to funnel cash to the members of the
24 inner circle while still making sure no one would
25 know they had arranged to personally profit from the

opening statement - on behalf of the government 572

1 state pension deal.

2 Now, as I mentioned, part of the plan was
3 that Tony Rezko and Chris Kelly were going to
4 identify people they trusted who were going to be
5 put into state deals to send money back. One of the
6 ways they did this was by partnering up with a
7 corrupt state board member named Stuart Levine.

8 When Defendant Blagojevich took office of
9 governor in 2003, Stuart Levine was already a member
10 of two state boards. He was already corrupt, and he
11 was more than willing to do what he needed to do to
12 try and kick back money from state deals that were
13 approved by the two state boards he sat on.

14 One of the state boards he sat on was the
15 State Pension Board that made decisions about how to
16 invest teachers retirement money. And you're going
17 to learn that in the spring of 2004, this board was
18 making decisions about how to investment millions of
19 dollars in teachers retirement funds, and there were
20 a number of companies that wanted those investments.

21 You're also going to learn that Stuart Levine
22 had arranged with insiders at certain companies to
23 make these deals happen, and what he had arranged
24 was for kickbacks from those deals.

25 So, once again, you are going to see that

opening statement - on behalf of the government 573

1 when a teachers retirement board was making
2 decisions about how to invest millions of dollars in
3 teachers retirement money, the inner circle had once
4 again arranged to line their own pockets.

5 Now, this plan began to unravel in May of
6 2004. In May 2004, the FBI approached Stuart
7 Levine, the corrupt board member who was sitting on
8 that State Pension Board.

9 The FBI had received information about Stuart
10 Levine's corruption on this board. They had been
11 able to get a court-approved wiretap to listen to
12 phone calls on his home telephone line and he had
13 been recorded discussing his corruption on these two
14 state boards.

15 You're also going to learn that the inner
16 circle found out that Stuart Levine had been
17 approached by FBI in May of 2004. And although the
18 corruption didn't stop, certain things changed.

19 One thing that changed was the
20 12-thousand-dollar a month consulting fees that Tony
21 Rezko was paying to Defendant Blagojevich's wife,
22 those abruptly stopped in May of 2004. You will see
23 the last 12-thousand-dollar payment made to her in
24 May 2004.

25 Another thing that changed was, Stuart Levine

opening statement - on behalf of the government 574

1 was no longer able to work with insiders to try to
2 kick back money because, in 2005, Stuart Levine was
3 indicted for his corruption on those two state
4 boards.

:39PM 5 Another thing that happened was, in of
6 May 2005, the FBI interviewed Defendant Blagojevich.
7 He was interviewed about a number of things. He was
8 asked questions about his fundraising activities and
9 he was asked questions about how fundraising related
:39PM 10 to the decisions he was making as governor.

11 And what you are going to learn is that
12 Defendant Blagojevich lied to the FBI. He told the
13 FBI that he tried to maintain a firewall between
14 politics and government, and he also told the FBI
:39PM 15 that he did not track or want to know who
16 contributed to him or how much they are contributing
17 to him.

18 what you are going to learn in the course of
19 this trial is that those two statements could not
:39PM 20 have been further from the truth. Defendant
21 Blagojevich lied in an effort to cover up what he
22 was really doing with respect to decisions he was
23 making as governor and their relationship to
24 fundraising.

:40PM 25 Now, in 2005, Lon Monk left his position as

opening statement - on behalf of the government 575

1 chief of staff for Governor Blagojevich and he went
2 to go run the reelection campaign. Chris Kelly was
3 very much involved in fundraising, but in 2006 Tony
4 Rezko was indicted for his corruption with Stuart
5 Levine on those two state boards, but what you will
6 see is that in 2006, Defendant Blagojevich, Lon Monk
7 and Chris Kelly oversaw another record-breaking
8 fundraising machine and that he was reelected as
9 governor.

10 Now, you're going to hear, actually, about a
11 shakedown that happened just before the reelection,
12 this one involving a school.

13 In 2006, just before the reelection,
14 Defendant Blagojevich tried to shake down U.S.
15 Congressman Rahm Emanuel. What you will learn is
16 that there was a school in Congressman Emanuel's
17 district here in Chicago, you will hear it referred
18 to AUSL.

19 The mission of AUSL was to teach teachers.
20 And at Congressman Emanuel's request, Defendant
21 Blagojevich had approved a 2 million-dollar grant
22 for the school.

23 But what you will also learn is that once it
24 came time for the State of Illinois to pay out that
25 grant money, Defendant Blagojevich had a different

opening statement - on behalf of the government 576

1 idea, and he told his deputy governor, Bradley Tusk,
2 to go to Rahm Emanuel and tell him that Rahm
3 Emanuel's wealthy brother needed to have a
4 fundraiser for Defendant Blagojevich.

5 Now, what Defendant Blagojevich didn't know
6 was that Bradley Tusk wasn't going to follow that
7 directive. Bradley Tusk never went to Rahm Emanuel
8 and asked for the fundraiser. And when it became
9 apparent to Defendant Blagojevich that he wasn't
10 going to get his fundraiser, there was a consequence
11 to the school.

12 Rather than paying out the grant money as it
13 otherwise would have been, Defendant Blagojevich
14 directed that the money be paid out slowly, over
15 time, and only when he was left with no other choice
16 because the school actually started working, relying
17 on that grant money.

18 So what you will see is, this is an example
19 of a time when Defendant Blagojevich's efforts to
20 shake someone down didn't happen, but not because he
21 didn't want it to happen. He wanted that demand to
22 be made, he intended for that demand to be made. He
23 never went back to his middleman and told him "I
24 made a mistake" or "I changed my mind." The reason
25 this didn't happen is because his middleman refused

1 to do his dirty work for him.

2 But the evidence will show that when the
3 school needed its 2 million-dollar grant, Defendant
4 Blagojevich wanted to know "what about me" and his
5 answer this time was that he wanted a campaign
6 fundraiser.

7 Now, in 2007, Chris Kelly was charged. He
8 was actually charged with tax charges unrelated to
9 the corruption he was involved in with Defendant
10 Blagojevich, but he was also no longer part of the
11 inner circle.

12 So what you see is, by 2008, the circle of
13 insiders that Defendant Blagojevich could trust and
14 rely on had significantly dwindled. So in the
15 summer of 2008 he turned to his brother, Defendant
16 Robert Blagojevich, and Defendant Robert Blagojevich
17 agreed to come and run the campaign fund.

18 what you are going to learn is almost as soon
19 as Defendant Robert Blagojevich came to run the
20 campaign fund, the fundraising land gave chase. In
21 September of 2008, there was a bill passed. You'll
22 hear it referred to as the ethics bill, the ethics
23 legislation. And, basically, what happened is, the
24 ethics legislation put certain limits on certain
25 contributions that could be made to Defendant

1 Blagojevich.

2 Although the ethics legislation was passed in
3 September of 2008, it wasn't scheduled to actually
4 go into effect until January 1st of 2009. So what
5 this meant is that in those last 3 months of 2008,
6 the defendant was under an immense amount of
7 pressure to raise as much money as possible before
8 the ethics legislation went into effect and before
9 the limitations were imposed.

10 Now, as I said before, one of the things
11 you're going to learn in this trial is that in
12 politics, money is power. So if Defendant
13 Blagojevich was going to run for reelection in 2010,
14 he needed to raise as much money as possible before
15 those limitations went into effect at the end of
16 2008.

17 You will see that his campaign fund in the
18 fall of 2008 had several million dollars in it, but
19 what you are also going to see was that it was
20 significantly short than the over \$15 million that
21 were raised before the 2006 reelection.

22 The other thing is that even if Defendant
23 Blagojevich decided not to run for reelection in
24 2010, one of the things you're going to learn is
25 that, as a sitting governor, it was very important

opening statement - on behalf of the government 579

1 that he appear to the rest of the political world as
2 a force to be reckoned with, and one of the ways he
3 could do this was by raising as much money as
4 possible before the end of the year.

5 So in an effort to do that, in an effort to
6 raise as much money as possible before the end of
7 the year, Defendant Blagojevich started shaking
8 people down and trying to get large campaign
9 contributions in exchange for decisions he was
10 making as governor.

11 One of the shakedowns you are going to hear
12 about during this time involved the tollway. What
13 you're going to learn is that in the fall of 2008,
14 Defendant Blagojevich decided to commit \$1.8 billion
15 in state funds to improve the tollway. And while
16 1.8 billion dollars is a very large figure, it's
17 actually the smallest of the actions that was
18 available for the tollway program.

19 You're going to learn Defendant Blagojevich
20 didn't choose the smallest option to save the State
21 of Illinois money, he chose the smallest option as
22 part of a plan he had to try to shake down the road
23 industry who would get state contracts under the
24 tollway plan.

25 So what he did is, in mid October of 2008, he

opening statement - on behalf of the government 580

1 publicly announced that he was committing
2 \$1.8 billion to improve the state tollway system, he
3 then tried to make sure that the road building
4 industry knew that he had additional billions of
5 dollars he could still commit to the tollway plan,
6 and his thought was that this would motivate the
7 road industry to make large campaign contributions
8 to him before the end of the year in the hopes that
9 he would then commit the additional billions of
10 dollars in state funds.

11 One of the people Defendant Blagojevich shook
12 down under this plan was a man named Jerry Krozel.
13 Jerry Krozel owned a concrete company and he had
14 been instrumental in raising money from the road
15 building industry in the past.

16 So Defendant Blagojevich himself met with
17 Jerry Krozel. He told him about the \$1.8 billion
18 plan that he was going to announce, he also told him
19 that he had an additional 6 billion dollars that he
20 could also put into the tollway program but said he
21 was going to wait, then he asked Jerry Krozel to
22 work to raise contributions from the road building
23 industry.

24 Jerry Krozel wouldn't commit to a specific
25 number that he was willing to raise, so Defendant

opening statement - on behalf of the government 581

1 Blagojevich again brought up the fact that there was
2 still this \$6 billion he could commit to the tollway
3 program. And when Jerry Krozel left that meeting
4 with Defendant Blagojevich, he knew Defendant
5 Blagojevich was trying to shake him down for
6 campaign contributions from the road building
7 industry and that he was using the money in the
8 tollway plan as leverage to do it, and Jerry Krozel
9 decided he wasn't going ahead.

10 Defendant Blagojevich then sent Lon Monk to
11 try to talk to Jerry Krozel and get him to commit to
12 raising \$500,000 in campaign contributions. Lon
13 Monk wasn't able to close the deal, so Defendant
14 Blagojevich took matters back into his own hands.

15 He talked to Jerry Krozel himself. He once
16 again told him about the additional money and once
17 again, just as he had in the meeting, put pressure
18 on him to raise campaign contributions using the
19 tollway plan as leverage.

20 what the evidence will show is that when he
21 was deciding how many billions of dollars in state
22 money would be used to improve the tollway system,
23 Defendant Blagojevich wanted to know "what about
24 me," and in this case his answer was \$500,000 in
25 campaign contributions.

opening statement - on behalf of the government 582

1 Now, also in 2008, another shakedown you're
2 going to hear about involved the horse racing
3 industry. What you're going to learn is that, in
4 November of 2008, a bill that was very important to
5 the horse racing industry had passed the Illinois
6 House, and sent, and it was awaiting Defendant
7 Blagojevich's signature before it would become law.

8 One of the individuals who cared very much
9 about this bill being signed into law was a man
10 named John Johnston.

11 John Johnston owned a horse racetrack and he
12 was going to get money, funding, under the new law.
13 For every day that the law went unsigned by
14 Defendant Blagojevich, it cost John Johnston's
15 company \$9,000, and Defendant Blagojevich knew this,
16 so he didn't sign the bill. Instead, he went to Lon
17 Monk and had Lon Monk meet with John Johnston and
18 shake him down for \$100,000 in campaign
19 contributions.

20 Lon Monk and Defendant Blagojevich agreed
21 that Monk would go out and he would use the fact
22 that Defendant Blagojevich had not yet signed that
23 bill into law as leverage to try to get John
24 Johnston to make a large \$100,000 contribution.

25 But as Jerry Krozel of the tollway, John

opening statement - on behalf of the government 583

1 Johnston immediately knew that Defendant Blagojevich
2 was trying to shake him down for campaign
3 contributions using that bill and the fact that it
4 had not yet been signed as leverage and he, too,
5 decided he was not going to pay up.

6 So what the evidence will show is that when
7 Defendant Blagojevich was deciding whether and when
8 to sign a bill into law, he wanted to know "what
9 about me," and in this situation his answer was
10 \$100,000 in campaign contributions.

11 Now, I've already talked briefly about the
12 shakedown on Children's Memorial, so I'll just
13 briefly recap.

14 This was also happening in the fall of 2008
15 at the same time as the tollway and the horse track.
16 And what happened is, Defendant Blagojevich agreed
17 to commit millions of dollars in state money to help
18 the hospital pay its doctors, he then sent Defendant
19 Robert Blagojevich to try to shake down the hospital
20 president for campaign contributions, and the
21 hospital president also recognized that that was
22 what was happening and he refused to go along with
23 it. So what the evidence will show on that is that
24 when he was deciding whether to have state money be
25 committed to help Children's Hospital pay its

opening statement - on behalf of the government 584

1 doctors, Defendant Blagojevich wanted to know "what
2 about me" and his answer in this case was a
3 25-thousand-dollar campaign contribution.

4 Now, in each one of these situations, the
5 message that was being directed to the business of
6 these shakedowns was clear: Pay up or no state
7 action.

8 But Defendant Blagojevich and the middlemen
9 that he used sometimes tried to be more clever than
10 to actually say those words, but no matter the
11 precise words that were used, that was exactly what
12 they were doing, they were trying to shake people
13 down using decisions Defendant Blagojevich was
14 making as governor as leverage to get them to make
15 campaign contributions.

16 I'll use the example of Lon Monk and the
17 horse racing industry. As I said, before Lon Monk
18 went to meet with John Johnston, the owner of the
19 horse racetrack, he and Defendant Blagojevich met
20 and they rehearsed exactly what Lon Monk was going
21 to say to John Johnston to put pressure on him and
22 make sure he understood that if he wanted that bill
23 signed, he needed to make a campaign contribution.

24 But they knew they needed to try to be more
25 clever than to say that directly, so what they

opening statement - on behalf of the government 585

1 agreed was that Lon Monk would say, "the Governor
2 really wants to sign the bill but he's afraid that
3 if he signs the bill, then he won't make the
4 campaign contribution."

:55PM 5 So it wasn't that far off, but they were
6 trying to be clever and not say directly, "if you
7 want the bill signed, make a contribution," but what
8 you will learn is, that was the intended message and
9 that was exactly what John Johnston heard. what he
:55PM 10 heard was that if he wanted that bill signed, he
11 needed to make a campaign contribution.

12 You're going to see the exact same thing with
13 respect to the tollway and the hospital. No one
14 said the words "pay up or no state action," but
:56PM 15 clever or blatant, it was still a shakedown. The
16 message was still clear and it was heard by the
17 victims loud and clear that they needed to pay up if
18 they wanted that state action.

19 So what you are going to see is that in the
:56PM 20 fall of 2008, Defendant Blagojevich was scrambling
21 to try to raise as much money as possible before the
22 end of the year and before that ethics legislation
23 went into effect.

24 You are also going to learn that Defendant
:56PM 25 Blagojevich believed he was facing a different

opening statement - on behalf of the government 586

1 attack, one that could not be stopped just with
2 campaign contributions. You're going to learn that
3 in the fall of 2008, Defendant Blagojevich believed
4 there was a movement by certain members of the State
5 House of Representatives to impeach him and start
6 the process to try to remove him as governor,
7 Defendant Blagojevich also believed that this
8 movement to impeach him was being encouraged by the
9 Chicago Tribune newspaper.

10 The Chicago Tribune newspaper had published a
11 number of editorials that was very critical of
12 Defendant Blagojevich as governor and even mentioned
13 impeachment, but Defendant Blagojevich believed he
14 had something he could use to get the Chicago
15 Tribune to stop writing critical editorials of him.

16 what Defendant Blagojevich knew was that the
17 owner of the Chicago Tribune also owned the Chicago
18 Cubs and Wrigley Field. The owner of the Tribune
19 and the Cubs had publicly announced he wanted to
20 sell the Chicago Cubs and Wrigley Field and there
21 were certain members of Defendant Blagojevich's
22 staff who had been working with the Cubs and Wrigley
23 Field to see if the State of Illinois could be part
24 of the deal to sell Wrigley Field.

25 Defendant Blagojevich believed that the State

opening statement - on behalf of the government 587

1 of Illinois' involvement in that deal was worth
2 hundreds of millions of dollars to the owner of the
3 Tribune and who was also the owner of the Cubs.

4 So he directed his then chief of staff, John
5 Harris--John Harris had come in to take over when
6 Lon Monk went to run the elections campaign--he
7 directed John Harris to shake down the Tribune, but
8 not for money. Instead, he directed John Harris to
9 shake down the owner of the Chicago Tribune to try

10 and get them to fire the writers who had been
11 writing critical editorials of him. And what he
12 said was, to threaten that if they did not, then the
13 state support of the wrigley deal that he believed
14 to be worth hundreds of millions of dollars to the
15 owner of the Tribune, that would be pulled.

16 what he didn't realize is that like Brad Tusk
17 with the shakedown of the school, John Harris did
18 not follow his direction. He did not relay the
19 threat to the Tribune that they needed to fire their
20 editor or else the state support for the wrigley
21 deal would be pulled.

22 So what you're going to see is that in the
23 fall of 2008, Defendant Blagojevich is doing a
24 number of things to try and hold on to his power as
25 governor. He's got the threat going on the Chicago

opening statement - on behalf of the government 588

1 Tribune and he's also shaking people down to try to
2 raise as much money as he can by the end of the
3 year.

4 You're also going to learn that it wasn't
5 just the campaign fund that was under financial
6 pressure in the fall of 2008. What you're going to
7 learn is that Defendant Blagojevich himself was
8 under personal financial difficulties. His
9 170-thousand-dollar a year salary was not enough to
10 cover the increasing debt that he and his wife were
11 accumulating.

12 What you're going to see, this chart, this
13 first line is 2004, and this number, you will
14 recall, it includes the money from Tony Rezko to
15 Defendant Blagojevich's wife, and you'll see that
16 with that money, they were able to offset some of
17 their debts.

18 Now, what I also said, none of the money from
19 these shakedowns was going into anyone's pocket
20 directly. They were going to wait and be split down
21 the road when Defendant Blagojevich was no longer
22 governor. But by 2008, Stuart Levine, Tony Rezko,
23 Chris Kelly had all been indicted.

24 So in 2008, it's just Defendant Blagojevich's
25 170-thousand-dollar salary, and what you will see is

opening statement - on behalf of the government 589

1 that it's not enough to cover the debts. And this
2 chart, you see the phrase up there "consumer debt"?
3 That's just credit card debt and lines of credit
4 against their home, it doesn't include their
5 mortgage or any other debts. Just that, it's over
6 \$200,000 in the fall of 2008.

7 what you will also learn is that even if he
8 had been able to raise substantial amounts of money
9 into the campaign fund, there are limits on how that
10 money can be spent.

11 You'll also learn that in the fall of 2008,
12 he had not yet decided whether he was going to run
13 for reelection in 2010, and what that meant was he
14 had no real career plans to what he was going to do
15 and no real plans about what to do about this
16 financial situation.

17 For Defendant Blagojevich, his golden ticket
18 arrived on November 4th, 2008. On November 4th,
19 2008, Barack Obama won the general election to be
20 the President of the United States. What that meant
21 was that he needed to resign his position as a
22 senator from the State of Illinois, and, by law,
23 there was one person who had the power to decide who
24 would replace Barack Obama in the U.S. Senate:
25 Defendant Blagojevich.

opening statement - on behalf of the government 590

1 what you're going to learn is that he decided
2 to try to cash in on that power he had as governor
3 to try to get something of value for himself. That
4 was his golden egg. It was the answer to his career
5 problems and his financial troubles.

6 You're going to learn that Defendant
7 Blagojevich learned from people he trusted that
8 President-Elect Obama wanted one of his senior
9 advisers, a woman named Valerie Jarrett, to be named
10 to his open senate seat.

11 You're also going to learn that Defendant
12 Blagojevich considered appointing her to this
13 position but not because of what she could do for
14 the people of Illinois. He considered appointing
15 Valerie Jarrett because of what he would get out of
16 it.

17 what you will see is that he directed senior
18 members of his staff to do research on prestigious
19 jobs, high paying jobs, other positions he could
20 demand for himself from President-Elect Obama in
21 exchange for making Valerie Jarrett the senator.

22 You are going to learn he actually made two
23 demands himself: First, Defendant Blagojevich said
24 that if President-Elect Obama wanted Valerie Jarrett
25 to be the senator, then he, Defendant Blagojevich,

opening statement - on behalf of the government 591

1 wanted to be the United States Secretary of Health
2 and Human Services.

3 when that didn't work, he then said he wanted
4 millions of dollars put into an organization he
5 would control and where he would have a job waiting
6 for him when he was no longer governor, but that
7 didn't work either.

8 when it became apparent to him that he wasn't
9 going to be able to get anything of value for
10 himself in exchange for making Valerie Jarrett the
11 senator, Defendant Blagojevich considered a number
12 of other options.

13 one of the candidates he considered was
14 Congressman Jesse Jackson, Jr., but you're also
15 going to learn this wasn't because of what he
16 thought Congressman Jackson could do for the people,
17 it was because of what he thought could be done,
18 again, for him.

19 what you will learn is that Defendant
20 Blagojevich believed that if he made Congressman
21 Jackson the senator, supporters of Congressman
22 Jackson would contribute over a million dollars to
23 Defendant Blagojevich's campaign fund.

24 That message had been communicated to his
25 brother, Defendant Robert Blagojevich. Defendant

opening statement - on behalf of the government 592

1 Blagojevich never spoke to Congressman Jackson about
2 it; instead, as the head of Friends of Blagojevich,
3 Defendant Robert Blagojevich was in contact with
4 people who supported Congressman Jackson and
5 Defendant Blagojevich.

6 These supporters had told him that they
7 wanted Congressman Jackson to be made the senator
8 and that if Defendant Blagojevich were willing to do
9 that, they would be willing to contribute over a
10 million dollars to Defendant Blagojevich.

11 Defendant Robert Blagojevich told his
12 brother, Defendant Blagojevich, about that, and it
13 was because of that promise for campaign
14 contributions that Defendant Blagojevich considered
15 appointing Congressman Jackson to the open senate
16 seat.

17 So, again, what you will see is that when he
18 needed to decide who should represent the people of
19 Illinois in the U.S. Senate, Defendant Blagojevich
20 wanted to know "what about me," and his answer in
21 this situation was several:

22 He wanted a prestigious job for himself, he
23 wanted millions of dollars to be put into an
24 organization he could control, and when those didn't
25 work, he wanted over a million dollars in campaign

opening statement - on behalf of the government 593

1 contributions.

2 Now, all of these shakedowns that were under
3 way in the fall of 2008 came to an abrupt halt. In
4 December of 2008, Defendant Blagojevich was
5 arrested.

6 Now, that is a summary of what we are going
7 to prove to you in the coming weeks. I now want to
8 talk very briefly about how we are going to prove
9 it.

10 You remember that we talked about the fact
11 that there is the same general pattern to the way
12 these shakedowns happened: At two of the ends,
13 you've got a middleman and at the other end you've
14 got a victim. Well, in this case, you're going to
15 hear from some of the middlemen and you are going to
16 hear from the victims.

17 Two of the middlemen you are going to hear
18 from is Lon Monk and John Harris, Defendant
19 Blagojevich's former chiefs of staff. Lon Monk and
20 John Harris have both pled guilty to their role in
21 this corruption, they have agreed to cooperate with
22 the government and they will be testifying before
23 you.

24 Now, because they have agreed to cooperate
25 with the government, they're hoping that they will

opening statement - on behalf of the government 594

1 get reduced sentences, and, because of that, you
2 should consider their testimony with caution and
3 great care. You should also consider their
4 testimony in light of all the other evidence that
5 you are going to hear.

:08PM

6 what you will see is that Lon Monk and John
7 Harris are just two pieces of a much larger puzzle.
8 You are going to hear from a number of other
9 witnesses who were involved in this corruption.

:08PM

10 Some of them have plead guilty to the corruption
11 they were involved in and have also agreed to
12 cooperate with the government, some have received
13 immunity, which basically means that as long as they
14 tell the truth about what they did and what they
15 know, they won't be prosecuted.

:08PM

16 Now, you are also going to hear from the
17 victims in this case. You're going to hear from Pat
18 Magoon from the Children's Hospital, and John
19 Johnston from the horse track, and Jerry Krozel with
20 respect to the tollway. These victims are going to
21 tell you about being shaken down by Defendant
22 Blagojevich for campaign contributions.

:09PM

23 But you are going to have more than the
24 testimony of these witnesses here in court. For the
25 shakedowns that were under way in the fall of 2008,

:09PM

opening statement - on behalf of the government 595

1 the tollway, the horse track, the hospital, the
2 senate seat, the Tribune, you are going to be able
3 to hear for yourself how that corruption was
4 unfolding at the time it was unfolding.

5 what you are going to learn is that the FBI
6 was able to get a court-approved wiretap on a number
7 of telephone lines. One of the lines was Defendant
8 Blagojevich's home line, another line was defendant
9 Robert Blagojevich's cell phone, and the government
10 was also able to record certain meetings that took
11 place at the campaign fund office here in Chicago.

12 So what you are going to learn is these
13 defendants talking about this corruption at the time
14 it was happening when they did not believe anyone
15 but their trusted insiders were listening.

16 For example, do you remember I told you about
17 how the president of the Children's Hospital wasn't
18 returning phone calls? well, you're going to hear
19 the calls between these two defendants talking how
20 he's not returning phone calls.

21 And you're also going to hear one phone call
22 that Defendant Blagojevich made on the same day he
23 learned that the hospital president isn't returning
24 those calls. It's a call he makes to Deputy
25 Governor Bob Greenlee. In that call, which is

opening statement - on behalf of the government 596

1 almost a month after he first committed those funds
2 to Children's Memorial, you will hear him ask his
3 deputy governor if he can still hold up the money
4 for Children's, and you will hear him use as an
5 excuse budgetary reasons.

6 In addition to hearing that call, you're
7 going to have Bob Greenlee who will come in and
8 testify. I expect what he will tell you about that
9 call is that he fully understood that Defendant
10 Blagojevich expected him to hold up that money and
11 that he was using budgetary reasons as an excuse
12 even though there were no budgetary reasons to hold
13 that money.

14 with respect to the horse track, do you
15 remember how I told you that Lon Monk and Defendant
16 Blagojevich met ahead of time and they rehearsed
17 exactly what was going to be said before Lon Monk
18 went to meet with the horse track owner? You're
19 going to hear that meeting. It happened at the
20 campaign fund office.

21 You're going to hear Defendant Blagojevich
22 and Lon Monk rehearse exactly the words that are
23 going to be used to make sure John Johnston
24 understood that if he wanted that bill signed, he
25 needed to make a campaign contribution.

opening statement - on behalf of the government 597

1 You're then going to hear the call that Lon
2 Monk makes immediately after he has just shaken John
3 Johnston down. He calls Defendant Blagojevich and
4 he tells him how he made sure Johnston knew that he
5 needed to pay up if he wanted that bill signed.

:12PM

6 You're also going to hear a number of calls
7 about the senate seat and about Defendant
8 Blagojevich's efforts to try to get something of
9 value for himself in exchange for his power he had
10 for appointing the next senator.

:12PM

11 You are going to hear in his own words how he
12 was making that decision, what he wanted for himself
13 and his family in exchange for that situation.

14 You heard me describe the financial pressures
15 he was under. Well, you are going to hear him
16 describe the financial pressures he was under and
17 the role that was playing in his decision as to who
18 should be the next senator from Illinois.

:12PM

19 You will hear him speak in vivid terms about
20 how valuable this senate seat was to him. You will
21 hear him say, "I mean, I got this thing and it's
22 f'ing golden and I'm not giving it up for f'ing
23 nothing."

:13PM

24 You are also going to hear him, the calls he
25 makes directing his high-level staff members, Deputy

:13PM

opening statement - on behalf of the government 598

1 Governor Bob Greenlee, Chief of Staff John Harris,
2 to do research on prestigious positions, high-paying
3 positions, other things he could demand for himself
4 in exchange for making Valerie Jarrett the senator.

5 You are going to hear him in his own words
6 explain how he did make the ask to be the U.S.
7 Secretary for Health and Human Services in exchange
8 for making Valerie Jarrett the senator.

9 And you are going to be able to hear him ask
10 for millions of dollars to be put into an
11 organization he would control and where he would
12 have a job waiting for him when he was no longer
13 governor.

14 You are also going to hear these two
15 defendants talk about the offer that had been made
16 for over a million dollars in campaign contributions
17 from supporters of Congressman Jackson. You are
18 going to hear Defendant Robert Blagojevich relay
19 that offer to Defendant Blagojevich almost
20 immediately after he gets the offer.

21 And then later on when Valerie Jarrett is no
22 longer an option, you are going to hear a call
23 between these two defendants where they're talking
24 about going back to supporters of Congressman
25 Jackson to try to get the over a million dollars in

opening statement - on behalf of the government 599

1 campaign contributions going.

2 You are going to hear this call, you are
3 going to hear Defendant Blagojevich say "this is
4 possible" and you are going to know he's talking
5 about Congressman Jackson and "some of the stuff is
6 gotta start happening now."

7 And, again, when you hear this call, you're
8 going to know they're talking about that fundraising
9 offer.

10 You're going to hear him say, "right now and
11 we gotta see it," and, again, you're going to know
12 he's talking about they got to see that money up
13 front.

14 In the same call, you are then going to hear
15 Defendant Blagojevich caution his brother, Defendant
16 Robert Blagojevich, to be careful how he expresses
17 that, "now you gotta be careful how you express
18 that, as if everybody is listening, the whole world
19 is listening." And you will also hear him caution,
20 "I would do it in person, I would not do it on the
21 phone."

22 You are then going to hear within minutes of
23 this call, Defendant Robert Blagojevich sets the
24 wheels in motion to get that going, to get that
25 stuff coming in, to get those campaign contributions

opening statement - on behalf of the government 600

1 up front and moving if the supporters are serious
2 about wanting Congressman Jackson to be the next
3 senator.

4 After you hear the calls and the meetings and
5 after you hear from all of the witnesses, you will
6 know that Defendant Blagojevich with the help of his
7 brother, Defendant Robert Blagojevich, and a number
8 of other people, corrupted the office of the
9 governor of the State of Illinois for his own
10 personal benefit.

11 When you hear him say that this senate seat
12 is golden and he's not giving it up for nothing, you
13 are going to know, that's how he viewed his power to
14 fill not only an empty U.S. senate seat, that's how
15 he viewed his power with respect to all of these
16 other deals.

17 Each one of these decisions he was able to
18 make because he was governor of the State of
19 Illinois, Defendant Blagojevich viewed as a golden
20 opportunity to get something of value for himself.
21 Rather than asking what about the people I
22 represent, he was asking what about me.

23 At the conclusion of the case, we will stand
24 before you again and we will ask you to return the
25 only verdict that is consistent with the evidence in

opening statement on behalf of Robert Blagojevich 601

1 this case, guilty as charged on all counts.

2 THE COURT: 15 minutes.

3 THE MARSHAL: All rise.

4 (Recess.)

5 THE CLERK: All rise.

6 (The following proceedings were had in the
7 presence of the jury in open court:)

8 THE COURT: Please be seated.

9 Mr. Ettinger.

10 MR. ETTINGER: Thank you.

11 OPENING STATEMENT ON BEHALF OF ROBERT BLAGOJEVICH

12 BY MR. ETTINGER: Judge Zagel, Cheryl, Robyn,
13 counsel, counsel.

14 Ladies and gentlemen of the jury, my name is
15 Michael Ettinger and I have the honor of
16 representing retired Lieutenant Colonel Robert
17 Blagojevich.

18 would you stand up, please.

19 (Brief pause).

20 MR. ETTINGER: That's my client.

21 I have the honor of trying this case with my
22 trial partner, Cheryl Schroeder, Robyn Molaro and a
23 paralegal Alex Michael who is going to soon take the
24 bar exam.

25 As Judge Zagel told you in the beginning,

opening statement on behalf of Robert Blagojevich 602

1 every person is presumed innocent. The government
2 has got the heavy burden of proving them guilty
3 beyond a reasonable doubt. And what we say to you
4 in opening statement is not evidence, it's what we
5 expect the evidence to show.

6 So if you had to go reach a verdict right
7 now, it would have to be not guilty because you
8 haven't heard any evidence. That's how our system
9 works. It's not perfect, but it's the best in the
10 world.

11 I think Judge Zagel told you that in 1776,
12 and I'm not a good historian, but that's when this
13 system started, there was a lot of bloodshed, and we
14 all believe in this system and we believe in people
15 like you for sacrificing your daily lives, your
16 jobs, to sit here and judge another human being.
17 And there is no greater test, in my opinion, that
18 any of us can do as citizens of this great country
19 than to judge a fellow human being.

20 Now, of course, we attorneys all plan out our
21 opening statements and we got it down and we got
22 notes and we were going over them last night, can't
23 fall asleep all of us, and then the government gets
24 up and gives their opening statements, and it
25 happens all the time, and now it changes.

opening statement on behalf of Robert Blagojevich 603

1 So I promise, I will not be any longer than
2 Carrie Hamilton. So I'm going to probably start --
3 no, I will, there's no "probably," I'm going to
4 start at the end, but before I get there, Judge
5 Zagel told you he's going to tell you what the law
6 is at the end of the case. You guys decide the
7 facts. And I'm not going to get into what the law
8 is. I'm going to get into what evidence is going to
9 show that my client did.

10 I'm going to tell you now, I'm going to tell
11 you at the end, until they shut me up, he's
12 innocent, he's an innocent man. And he's a great
13 man. And I think at the end of this case when you
14 see all this evidence you'll agree with me.

15 Now, you heard the government tell you that
16 my client, Robert Blagojevich, came up here for four
17 months. That's right. We agree. From August
18 of 2008 through December of 2008, he came up here to
19 help his brother. And I'm going to get into that as
20 to why that happened. I'm going to tell you another
21 thing, he's not into politics, he's not a
22 politician. He's a businessman.

23 He was born in 1955, that makes him, what?

24 MR. S. F. ADAM: 55.

25 MR. ETTINGER: Okay, that makes him 55. He

opening statement on behalf of Robert Blagojevich 604

1 went to Lane Tech High School. They grew up on the
2 northwest side. His father was a factory worker,
3 his mother was a CTA ticket agent. He went to Lane
4 Tech. He's an excellent baseball player. He was
5 starting pitcher -- or catcher in his senior year.

6 He then went to get a scholarship at the
7 University of Tampa. He tried, he didn't get one,
8 so he went in as a walk-on. And he did start
9 playing baseball at the University of Tampa and I
10 believe that's in 1976. But he had tore his biceps
11 in high school. It wasn't a great big tear but it
12 hurt and he ended up not being able to play baseball
13 even as a walk-on at the University of Tampa. But
14 he stayed there.

15 And what he did was he joined ROTC, ROTC.
16 And what ROTC did is, he earned a scholarship where
17 for three years they paid his tuition and his board.
18 And he committed to four years active duty and two
19 years in the Reserves.

20 So Rob started -- I know him as Rob, he's not
21 Rod, he's Rob, but I'm going to try and use the word
22 "Robert" so anyone doesn't get mixed up. I'm going
23 to try and remember to use Robert but I know him as
24 Rob.

25 what Robert did was, he graduated from the

opening statement on behalf of Robert Blagojevich 605

1 University of Tampa in 1977. His freshman year he
2 took western civilization. And he met at that time
3 a very pretty blond, in his opinion, and the next
4 year they started dating, in 1977 when he graduated
5 they got married. And he married Julie who
6 became -- and they're married to this day for
7 34 years. That's his wife (indicating). And I'm
8 going to get into, she made some decisions regarding
9 what Rob did when we get to 2008. So I want you to
10 know who Julie is. And there's Julie right there
11 (indicating), Robert's wife and best friend. Her
12 son Alex is sitting right next to her. They have
13 one child.

14 what happened was, Robert after graduating
15 from the University of Tampa went to graduate school
16 at Florida State. The Army didn't pay, they gave
17 him a deferment that he could wait before he had to
18 serve active duty for a year and a half, and Robert
19 graduated with a master's degree in history and
20 western civilization and he then went into the Army.
21 He went in. He fulfilled his commitment.

22 And Robert's dad was a field artillery
23 soldier in Eastern Europe during World War II, the
24 Yugoslavian Army. Robert wanted to pattern his life
25 after his father, so Robert joined the Army. He

opening statement on behalf of Robert Blagojevich 606

1 went into field artillery training at Fort Sills in
2 Oklahoma.

3 When Robert got down there, they offered a
4 Persian missile course where he could be in charge
5 of Persian missiles. They did a background check on
6 him, they gave him top secret clearance, and that's
7 what he did. And he graduated from that school, it
8 took six months. They then sent him to Germany and
9 he was a platoon leader, first lieutenant, then
10 became a captain and, to sum it up, he stayed
11 overseas for five years -- or, I'm sorry, three
12 years, he came back and stayed in active duty for
13 five years.

14 But I want you to know as you hear this
15 evidence who Robert Blagojevich is. To get that
16 type of top secret clearance, he had to have a
17 complete background check. And he did that. He got
18 further top military clearance. And let me tell you
19 just a short bit about what Persian missiles are.
20 If this great country gets attacked by someone, the
21 thought of the Army is, they're going to hit our
22 stationary missiles, our nuclear warheads. So what
23 we devised was, the Army did, is these Persian
24 missiles. And they were mobile, and you could move
25 them around Europe so if the enemy, if they attacked

opening statement on behalf of Robert Blagojevich 607

1 us and knocked out our nuclear weapons, couldn't get
2 these missiles. That man was in charge of them. He
3 had 35 people in his platoon, he had a brigade of
4 1500 soldiers guarding those missiles. He was in
5 charge of three nuclear warheads. He had the same
6 top nuclear clearance, top secret clearance that our
7 joint chiefs of staff had and NATO did. He
8 debriefed sixteen NATO generals while he was in
9 Europe watching these Persian missiles.

10 So he came back to the United States after
11 three and something years and he went to school
12 again and got further studies and got higher
13 clearance. I don't know how you do that, but you he
14 did.

15 And in 1984 his active duty was over. He
16 went to go into the business world in Nashville,
17 Tennessee, because that's where Julie's from. So he
18 started off working for a bank, worked his way up,
19 was in the brokerage and trust department. Spent
20 fifteen years at that bank. But in the meantime, he
21 joined the Army Reserves and they had an MP unit
22 there. Some of his friends from the Army told him
23 about it. He served in the Reserves for 16 years.
24 He'd have to spend a weekend a month doing that and
25 two weeks a year for active training. And he did

opening statement on behalf of Robert Blagojevich 608

1 that. And you know when he did those two weeks?
2 When it was vacation time. Julie never got to go on
3 a vacation because he spent his two weeks going to
4 the Army.

:55PM 5 And why am I telling you this? Because
6 Robert Blagojevich is as you're going to hear now,
7 you're going to hear for the next few months, you're
8 going to hear it on tapes, is not about money. He's
9 one of the finest persons I think you'll believe to
:55PM 10 have met when this case is over.

11 Now, Robert Blagojevich, the company he
12 worked for, First American Bank in Nashville,
13 Tennessee got sent to -- they bought a brokerage
14 firm in Tampa. So Robert went back to Tampa. He
:56PM 15 was the CEO of this firm from 1997 to 2002. And as
16 you can see, we're getting closer to 2008, so I'll
17 get there.

18 But it's important for me to tell you about
19 Invest Financial because they were the subject of an
:56PM 20 NASD, National Association of Security Dealers, plus
21 an SEC investigation. All the acts that led to this
22 investigation occurred before First American Bank
23 bought this brokerage.

24 You know who they sent down there as the CEO
:56PM 25 to deal with the investigation of the SEC and the

opening statement on behalf of Robert Blagojevich 609

1 NASD? Robert. He went down there for five years.
2 That company got cleared. No violations.

3 while he was down there, he re-united with
4 the University of Tampa. He ended up on the Board
5 of Trustees of the University of Tampa. In fact,
6 before I forget, in May of 2008 he gave the
7 commencement address. They asked him to do it to
8 10,000 people. You know what he told those people
9 in the commencement address? Give back to your
10 community, give back to your country, if you're
11 fortunate enough to be successful, give back. And
12 that's what he did.

13 Now, in 2006 -- now, obviously, Rod is his
14 brother. Rod became Governor of Illinois in 2002.
15 Rod went to law school in California, Robert is
16 working in the Army overseas, he's in Tampa.
17 They're half the world away from each other and
18 certainly across the country. They weren't close.
19 That wasn't on purpose, but they weren't. They were
20 far apart. And they talked once or twice a month.
21 And Rod, I'm sure Mr. Adam will tell you, he was in
22 politics, he served our country in the Congress,
23 United States Congressman, and then he became
24 Governor in 2002. Robert really had nothing to do
25 with any of that. Had no contact.

opening statement on behalf of Robert Blagojevich 610

1 They started talking. You know, when Robert
2 came back to Nashville, they started talking more.
3 And Robert came up here. Alex, their son, moved to
4 Chicago, got a job here in real estate. And
5 Julie -- and, by the way, Robert had worked -- when
6 he came back from Invest Financial as the CEO,
7 because first American Bank got bought out by Fifth
8 Third Bank, so Robert came back to Nashville,
9 Tennessee, but before he came back he had taken
10 Alex -- Alex who was going to be a baseball player
11 too, and supposedly he was real good. So he took
12 Alex to some different schools to let him try out.
13 One night they're in a motel, it's 2:00 o'clock in
14 the morning, Robert is bored, so he's watching TV,
15 and who does he see? Carlton Sheets, the real
16 estate guy.

17 I don't know if you've ever heard of him?
18 The real estate guy, make millions in real estate.
19 You know, it's the infomercial and you hear it for
20 an hour. You know, not a lot of people do it, buy
21 it. I didn't, it doesn't mean I'm smart, but Robert
22 bought it, okay. It cost \$300. He studied that
23 course.

24 And you know what he did? He got into real
25 estate. He used his banking background for finance

opening statement on behalf of Robert Blagojevich 611

1 and he started buying, you know, little apartment
2 buildings that were beat up and, you know, people
3 going through a divorce or foreclosure. And he
4 start the hard way, from nothing, and built those up
5 to where he was pretty successful. He had some
6 commercial property, too.

7 And what happened was now because he wasn't
8 working for the bank, he could support his family,
9 Julie worked for the University of Vanderbilt as
10 running the budget for the library and she worked
11 20 hours a week.

12 So they're in Nashville, they're fine,
13 they're living comfortably, and he really hadn't
14 talked that much to his brother.

15 2006, they come up here to see Alex and he
16 goes over to his brother's house and, long story
17 short, he campaigns for him in the Serbian community
18 and with the Koreans and he had some fundraisers.
19 Did he it for four months, didn't take one penny.
20 Not a dollar. Didn't get his expenses paid. That's
21 what he did to help his brother because he loves his
22 brother. Even though they're not close, that's his
23 brother, that's his blood.

24 So that was his little taste of politics in
25 2006. He's a Republican. He's not a Democrat. His

opening statement on behalf of Robert Blagojevich 612

1 brother is a Democrat, not that it matters, but he's
2 not into politics.

3 So he goes back down to Tennessee and comes
4 back up in the summer of 2008, July, goes over to
5 his brother's house. His brother asks him to come
6 over to his house, and asks him to come alone, he
7 came there. He talked to his brother face to face,
8 man to man. His brother said look, I know you're in
9 real estate now, I know that you have a little more
10 time than you did when you were doing the banking
11 and running the brokerage firm down in Tampa, so he
12 asked him, would you help fundraise for me and run
13 the FOB because Jeanne Ahren, the lady that was
14 running it, was burned out and tired, would you do
15 it for four months.

16 Robert said I'm flattered by the offer, but
17 I'm not sure that's what I want to do even for four
18 months. He said I'd have to talk to my wife about
19 it.

20 So he went back to the condominium, to their
21 apartment where they lived with Alex and asked Julie
22 what did she think. Julie said, you know what, this
23 is a chance to get closer to your brother, to show
24 your brother that you do have some assets, that
25 you're capable and let him appreciate what you can

opening statement on behalf of Robert Blagojevich 613

1 do because you have a history in finance.

2 Now Robert at this time, his only experience
3 in fundraising was through the International Red
4 Cross and the YMCA. He volunteered and fundraised
5 for those organizations. He in 2005 in Nashville,
6 when we had Katrina and all that happened to our
7 citizens, our friends, our relatives in New Orleans,
8 came up to Nashville, Robert took a week off of
9 work, worked 3 to 5 hours a day helping these people
10 get shelter and get fed and donated \$5,000.

11 So he stayed with the YMCA, he was still with
12 the Red Cross, and he would fundraise off the list
13 that the Red Cross would give him. And he was the
14 head of the Red Cross for a couple of years, he was
15 the head of the YMCA for a couple of years. He's
16 still active in them.

17 But he would fundraise and learned how to
18 fundraise for charities. Not political events, for
19 charities. And he'd do it off a list of people that
20 donated before, that's how they did it. And that's
21 what he did.

22 So when he came up here, that was his only
23 experience in fundraising. And his brother asked
24 him to help and Julie said, you know, your parents
25 are gone, they wanted you two to be closer than you

opening statement on behalf of Robert Blagojevich 614

1 were, all you have is each other, do it. I'll
2 sacrifice, I'll get a leave from Vanderbilt, I'll
3 stay up here with you and we'll do it for four
4 months, and we're going to see Alex, our son.

:04PM 5 So he agreed to do it. He's not a
6 professional fundraiser. He's not a politician. He
7 doesn't know much about politics. Didn't get
8 involved in the political end at all. He went to
9 fundraising meetings. They gave him list, folks,
:05PM 10 donor lists just like they did with the Red Cross
11 and with the YMCA and that's how he was taught to
12 fundraise. He also met with attorneys who told him
13 what you can and what you can't do, what's legal,
14 what's not legal, and Robert followed the rules.
:05PM 15 Let me promise you, the evidence will show, Robert
16 followed the rules.

17 Now, if he was going to call someone off this
18 list and ask them to do a fundraiser, he may call
19 them 3 or 4 times because that's him. He's
:05PM 20 persistent. Not once, you will not hear one
21 scintilla of evidence that he shook anyone down,
22 that he demanded anything from anybody. Never,
23 folks, never. It's not him and he didn't do it and
24 there's no evidence to it. Shaking people down,
:05PM 25 Robert Blagojevich? Never.

opening statement on behalf of Robert Blagojevich 615

1 Now, let's go to Magoon, okay. Their family
2 had someone at Children's Memorial that the doctors
3 there helped them. Children's Memorial was not the
4 only hospital that benefited from this pediatric
5 rate increase, okay, but that had nothing to do with
6 Robert.

7 Patrick Magoon was the CEO in 2008, okay, of
8 Children's Memorial Hospital. He had a lobbyist,
9 John Wyma. He contributed to the governor, Rod
10 Blagojevich's campaign from 2002 on, he was a
11 contributor to the Illinois Hospital Association.
12 In fact, I believe in 2008 he became the president
13 of it. He donated to other candidates. He's
14 political. But that's fine, that's not a crime.
15 And Robert, he had donated before, his name is on
16 the list, Robert asked him not for a contribution,
17 to have a fundraiser. To have a fundraiser, the
18 same thing he was going to do with Weiss Memorial
19 Hospital and a few other hospitals. And he talked
20 to people that knew people at these different
21 hospitals and that's how he was going to do it. Not
22 one word ever, ever did any fundraiser or
23 contribution ever was contingent on any action from
24 his brother, never. Never, never said it, never did
25 it because he wouldn't, that's Robert.

opening statement on behalf of Robert Blagojevich 616

1 Now, I'm going to go into Jesse Jackson, Jr.,
2 okay. They said, they showed you snippets of a
3 conversation that happened on December 4th at about
4 2:20 in the afternoon, okay. December 4th, 2008,
5 the senate seat was vacant because President
6 Obama -- Senator Obama is now the President. So
7 what was going to happen was Rod Blagojevich had the
8 authority to appoint someone to replace him. This
9 had nothing to do with Robert. Robert wasn't
10 involved. Robert will tell you and the evidence
11 will show that he had no opinion on it. In fact, in
12 that very phone call, December 4th at 2:20 -- strike
13 that. Let's go back to the beginning of December
14 4th.

15 You know, at 8:19 in the morning, Rod calls
16 up Robert and they talk on the phone and Rod tells
17 him, Gery Chico is my choice of the day, I woke up
18 this morning and I'm going to appoint Gery Chico,
19 okay. In the last ten days Rod had changed his mind
20 eight times: Oprah Winfrey, Valerie Jarrett. Oh,
21 yeah. There's a list of them. You'll hear the
22 names.

23 And that morning when he calls Rob, Robert,
24 he told him, I know I change my mind every day, but
25 this is who I like this morning. And he would

opening statement on behalf of Robert Blagojevich 617

1 rationalize to Robert why he made that choice. Not
2 looking for Robert's input because what does Robert
3 know. In fact, on that December 4th call at
4 2:20--and I'll get into that in a minute--you know
5 what Robert says on that call about the senate seat
6 and the selection process? I'm going to sit back
7 and watch this on the news. That's how much input
8 and involvement Robert had in the senate seat.

9 And properly so. He's not a politician.
10 He's a businessman. He's not a political
11 fundraiser. He came up to help his brother. That's
12 it. And he never intended to violate the law. And
13 he never did. And he never shook anyone down.

14 (Microphone noise.)

15 MR. ETtinger: Sorry in the other room.

16 So that morning at 8:19 Robert, I'm sure he
17 was up because Robert ran, he started off that
18 morning talking to his brother at 8:19 because he
19 was finishing up with FOB.

20 And, by the way, to come up here, yes, the
21 government is right, the ethics legislation took
22 place January 1st. It was illegal after January 1st
23 to take contributions, certain contributions from
24 people that had state contracts. Fine. They're
25 going to obey the law. If it's illegal after

opening statement on behalf of Robert Blagojevich 618

1 January 1st, it's legal before. So Rod told Robert,
2 you know, we can't get contributions after January
3 1st from anyone who had a state contract.

4 And that's what Robert did, okay, he went to
5 fundraiser. Never ever conditioned anything on
6 anything. And he was taught that way and that's
7 what he did.

8 So, once again, now back to December 4th that
9 morning, you know, it's Gery Chico. Ten more times
10 in that morning he talks to his brother. At 11:00
11 o'clock or 11:30 they go to a fundraiser. Robert
12 drives over to Rod's house, they don't live far
13 away, they get in a car, they go to the fundraiser,
14 they spend an hour and a half there, they come back,
15 Robert gets into his car and comes back.

16 Now, Julie is sitting in the apartment
17 knitting. I mean, she's trying to work on
18 Vanderbilt on the computer, doesn't know a lot of
19 people up here, so she's cooped in, and Robert calls
20 her up, you want to go to Starbucks, we'll have some
21 coffee. "Okay."

22 This is a quiet time for Robert and his wife
23 Julie in the middle of an afternoon. Yeah, she's
24 going to spend a half hour with him. That's it. So
25 he gets into Starbucks, they sit down. And I'm

opening statement on behalf of Robert Blagojevich 619

1 going to tell you this, if someone real important
2 called because of fundraising, he would have talked
3 to them, okay, but not long. He wanted to spend
4 some quality time with his wife in Starbucks. And
5 they both loved Starbucks and that's what they did
6 in the middle of the afternoon.

7 And he's there five minutes, Mary calls, Mary
8 Stewart, and that's the governor's secretary, his
9 brother. Rod wants to talk to you. Yeah, okay. He
10 just spent the day with him. And God love him, but,
11 you know, Robert wanted some free time, that's all.
12 So he calls his brother, he doesn't have voicemail.
13 The phone rang 20 times. You know, Robert is human,
14 got mad, hung up the phone, now he's going to talk
15 to Julie. And they have coffee and they talk, 20
16 minutes later here's Rod.

17 Now, Rod calls him up and that's the phone
18 call you're going to hear. And it's 4 or 5 minutes
19 or 3 or 4 minutes, okay. Rod is telling Robert
20 that, as he had told him before, Lisa Madigan was a
21 candidate for appointment for the United States
22 Senate. And Rod's problem was that he was at a
23 stalemate. whoever's fault is that, I don't know,
24 but there's a stalemate in Illinois, Rod can't get
25 his bills passed, Madigan is blocking them. For

opening statement on behalf of Robert Blagojevich 620

1 whatever reason, it doesn't matter as far as Robert
2 is concerned, and I'm sure Sam will explain that to
3 you.

4 So Robert, okay, he's listening. Rod tells
5 him about these polls, that Lisa didn't get a lot of
6 the vote and, you know, Jesse Jackson, Jr., was up
7 there with the vote and he tells him, you know, if I
8 make the people in Washington, Dick Durbin, the
9 Senator, and whoever else, think that I'm going to
10 appoint Jesse Jackson, Jr., they'll broker a deal
11 with me to appoint Lisa Madigan and the only way
12 Rod -- and I'm not taking away Mr. Adam's
13 opening--but the only way they are going to broker a
14 deal is if Michael Madigan comes out and says in
15 public, "I'll stop blocking your stuff, I'll get you
16 health care, I'll get you your capital bill, I won't
17 raise taxes," that's all Rod wanted and he would
18 appoint Lisa.

19 So what happened? He's trying to pressure
20 Washington to do it and the way he's going to do it
21 is to appoint Jesse, but if they won't broker the
22 deal, he may appoint Jesse, anyway.

23 All right, fine. I mean, Robert is trying to
24 have coffee in Starbucks, okay, at 2:00 in the
25 afternoon. Rod makes statements 42 times. You know

opening statement on behalf of Robert Blagojevich 621

1 what Rob says 32 times? Yeah, okay, yeah, okay.
2 He's not paying attention. If I did that to my wife
3 four times, I'd be in deep trouble.

4 So it gets to the point where Rod says to
5 him: You know, call Nayak and tell him I elevated
6 Jesse, and, you know, I don't like Jesse because
7 when I ran in 2002 he said he'd back me for governor
8 and he didn't, he didn't. So he said, he's got to
9 prove it to me. Fine Robert says, I'll make the
10 appointment, okay.

11 They keep talking. Robert just wants to get
12 off the phone. He'll get up and tell you that.
13 That's what the evidence shows, it's "yeah, okay,
14 yeah, okay. You know, you heard the government, the
15 little snippets, and think about it, "pretend the
16 world is listening, be careful." "Be careful" means
17 don't condition any fundraising on any official
18 action. Pretend the world is listening? They are
19 agreeing not to violate the law and not violate the
20 law. So Rod at the end says to him: You know,
21 we'll go over this in person, blah-blah, Rob, yeah,
22 okay, fine. Rod changes his mind, meet him in
23 person. Ah, okay, I'll meet him in person, okay,
24 and he hangs up.

25 Now, you know what happened prior to that?

opening statement on behalf of Robert Blagojevich 622

1 Let me tell you that and then I'm done. On August
2 28th there's an Indian community that are
3 politically active and for some reason they
4 stoppe3d. They had contributed to Rod before, for
5 some reason it wasn't going real well with him. So
6 Rod and Robert and some other people that were
7 friendly with this Indian organization decided to
8 have a steering committee meeting so you get the
9 heads of these different factions in the Indian
10 community, get them together, Rod will show up, see
11 if we can get them actively supporting him again
12 because they hadn't been.

13 So the 28th of August there's a meeting with
14 some of them. The real meeting is the 31st. And
15 Rajinder Bedi, one of the board of directors of a
16 local organization, comes up to Robert and tells
17 Robert that we are willing to come up with half a
18 million dollars if you appoint Jessee, Jr., and if
19 you appoint Jessee, Jr., he'll give you a million
20 dollars, he'll raise a million dollars for you.

21 Robert says, "Mr. Bedi, I don't want to insult you
22 but this is not what we do. Let me promise you one
23 thing, money will not be a factor in my brother's
24 choice for the senate seat. He will do what's best
25 for the People of the State of Illinois," that's

opening statement on behalf of Robert Blagojevich 623

1 what he said. And he said, "besides the fact that
2 we don't even know who's President yet. We don't
3 know if there's going to be a vacant senate seat."

4 He calls his brother or sees his brother Rod
5 and tells him that, that I got this offer and they
6 want to accelerate fundraising and I told them that
7 we don't even know who's President yet and that's
8 inappropriate. And you know what Rod said? "Okay,"
9 and they go on to a different subject.

10 On the 31st they have the steering committee
11 meeting. Raghu Nayak, another one of the steering
12 community heads from the Indian community comes up
13 to Rod, pulls Rod aside, and it's crowded there and
14 it's noisy, and he says to him: One, we can raise
15 you a million, and then he goes, and Jesse can
16 raise you five if you appoint him. Robert tells him
17 the same thing, "money will not be a factor in my
18 brother's choice for the senate seat. It'll be
19 what's best for the People of the State of
20 Illinois," and that ended. He didn't even go back
21 and tell his brother the details of that. It was
22 over on the 31 -- it was over on the 28th, okay.

23 But the Indians tried again. November 11th,
24 Abu Patel, another person on the board of directors
25 comes to the FOB office and talks to Robert and

opening statement on behalf of Robert Blagojevich 624

1 talks about appointing Jesse Jackson. Which, you
2 know, which is fine, but don't be offering money.
3 He offers a million dollars that they can raise and
4 starts talking about the rest, and Robert cuts him
5 off and says to him, "let me get something straight,
6 money will not, not be a factor in my brother's
7 choice for the senate seat," let me repeat that to
8 you, "money will not be a factor in my brother's
9 choice for the senate seat. It will be what's best
10 for the People of the State of Illinois." And you
11 know what, folks? That's what the evidence is going
12 to show.

13 On November 14th, 2008, Raghu Nayak calls up
14 FOB headquarters--I'm just about done--calls up
15 headquarters and tells Robert that -- and they have
16 a fundraiser plan for December 6th, 2008, and
17 they're all trying to get people there and tells him
18 that his cousin is coming into town and we're
19 getting ready from the fundraiser and he wants the
20 fax number to the FOB office. So he gives him the
21 fax number. He faxes over two letters from
22 different Indian organizations supporting Jesse,
23 Jr. And Robert says, fine, great. Not one word
24 about paying campaign contributions in exchange for
25 anything, not one word about that except: I want

opening statement on behalf of Robert Blagojevich 625

1 you to know or your brother to know, we support
2 Jesse Jackson.

3 Fine. So he goes back to tell Rod that he
4 got the two faxes and I'm telling you about it, that
5 these two organizations support Jesse, Jr., and Rod
6 tells him: well, tell him you didn't give it to me,
7 because I don't want to disappoint them when I don't
8 appoint him.

9 So that's the state of affairs with Jesse
10 Jackson and Robert on any appointment until we get
11 to December 4th. So December 4th, you heard that
12 conversation, Robert and Rod talked the Fifth, they
13 postpone the meeting with Nayak till the 6th at the
14 fundraiser, Robert tells him on the 5th if he brings
15 up money I'm going to tell him once again, one is
16 not conditioned on the other if he brings it up,
17 that we appreciate your support. And what he was
18 going to meet with him for is to tell him that
19 Jesse's elevated, Jesse's elevated.

20 So they go to the 6th, December 6th, they had
21 the fundraiser and Robert sees Nayak, they talk, and
22 Nayak says, what's Jesse's chances, and Robert says
23 to him, "my brother is holding it close to his vest,
24 I don't even know. Nayak says okay.

25 So they wanted Jesse, Robert is telling him

opening statement on behalf of Robert Blagojevich 626

1 he's in the running. No one is shaking anyone down,
2 no one has demanded a nickle. Robert is telling him
3 the opposite, the opposite. You'll hear it, you'll
4 hear that evidence. And, folks, that's Roberts.

5 And, you know what, I want to tell you one
6 more thing and then I'm done. Robert, it wasn't
7 brought up by the Government, he did get paid for
8 the four months he was up here. He didn't want any
9 money but the Governor and his advisers, mainly his
10 advisers, had meetings and told him he had to get
11 paid market rate.

12 I want you to know what he did with 75
13 percent of the money he made. He gave it to
14 charity. He gave 43,000 to charity. He only gave
15 17,000 a year before. 43,000 he gave it to the Red
16 Cross, he gave it to the YMCA, gave it to the
17 sympathy orchestra, gave it to the University of
18 Tampa. Once again, I started with this, I'm going
19 to close with this: He's not about money. He's an
20 honest man. He's an innocent man. He never shook
21 down anybody. They cannot prove beyond a reasonable
22 doubt he committed any crimes because he didn't and
23 that's what the evidence is going to show.

24 And at the end, I get to get up and tell you
25 again: See what I told you in opening--it may be a

opening statement on behalf of Rod Blagojevich 627

1 long time from now--but I'm going to get up and tell
2 you: Remember what I told you in opening, I'm going
3 to tell you in closing, I'm going to ask you to do
4 justice to this fine man, this great man, find him
5 not guilty because he is not guilty. Thank you.

6 THE COURT: Mr. Adam.

7 MR. ADAM, JR.: Thank you, Your Honor.

8 (Brief pause).

9 MR. ADAM, JR.: May I proceed, Your Honor?

10 THE COURT: You may.

11 OPENING STATEMENT ON BEHALF OF ROD BLAGOJEVICH

12 BY MR. ADAM, JR.:

13 Counsels, Governor, counsels, counsels, and
14 ladies and gentlemen of the jury.

15 Allow me a minute to introduce myself to you.
16 My name is Sam Adam, Jr., and I do, I have the
17 absolute pleasure of representing Rod Blagojevich.

18 Now, I know, I know after hearing the
19 government's opening you got a feeling; I know it.
20 I know when they put up here and they say that the
21 Governor was demanding \$500,000 to this, and
22 \$100,000 to that, and 50,000 here, 25,000, I know, I
23 know you get it in your gut; I know it. But by the
24 end of this case, I'm telling you, that man there is
25 as honest as the day is long. And you will know it

opening statement on behalf of Rod Blagojevich 628

1 where? In your gut. You'll know it.

2 Did you hear what the counsel here told you?

3 This is the biggest corruption case, political

4 corruption case in the State of Illinois, perhaps

:26PM

5 the country. And what did they tell you? He's

6 broke. The biggest politician that's corrupt in

7 America is broke. Not a dime, not a penny, not a

8 cent. He's broke. That's what they're telling you

9 you got to convict him on. He's broke.

:26PM

10 And you know why he's broke, ladies and

11 gentlemen of the jury? You know what the evidence

12 in this case is going to show you why he's broke?

13 It's not hard. He didn't take a dime.

14 They had, you're going to find out, 175

:27PM

15 agents, umpteen numbers of U.S. Attorneys. This is

16 the federal government, the same people chasing Bin

17 Laden were chasing him; the federal government. And

18 do you know how many accounts they found of his that

19 had some money in it? None. Do you know how many

:27PM

20 checks that were written to him that was illegal?

21 None. And they couldn't find it.

22 They told you, I'm not up here screaming and

23 yelling, they told you, he's broke. And there's a

24 reason for that. There's a reason for that. The

:27PM

25 man ain't corrupt.

opening statement on behalf of Rod Blagojevich 629

1 They put up there on that board about a POB
2 deal. Do you know what a POB deal is? They didn't
3 even explain it to you. A POB, that's called a
4 pension obligation bond deal. What you're going to
5 find out is that in 2002 he won, he won for the
6 first time in 26 years a Democratic governor won.
7 There was change going on like crazy. We've had 25,
8 a quarter of a century of republican rule in this
9 state, and he one as the first Democratic.

10 And what did he inherit? They told you.
11 They said it sliding and slowly, but they told you
12 what he inherited: A 3.5 billion dollar deficit;
13 "b," billion. And they lay it on him.

14 And so he said: We got a choice here, we got
15 a choice as a politician, my name is Blagojevich, in
16 a state that's basically Irish, I won, a Serbian
17 won, but we got to figure these things out here.
18 What am I going to stand for? Am I going to stand
19 up here and say I'm standing for the corrupt
20 politician? No. You know what he said? I'm going
21 to stand up and guarantee that the People of
22 Illinois do not get their taxes raised. That's what
23 the POB deal is about and you'll find out from right
24 there (indicating.)

25 You don't have to take my word for it. You

opening statement on behalf of Rod Blagojevich 630

1 don't even have to take his word for it. I'm
2 telling you now, he's going to testify. I'm telling
3 you now. He's not going to let some chubby,
4 four-eyed young lawyer do his talking for him. He's
5 going to get right up here and tell you from here
6 (indicating) the reason that the POB deal came about
7 is because he wouldn't raise taxes and you had to
8 figure out at that time, 2003, are we going to raise
9 taxes on people or find another way to fund the
10 pensions, fund the unfunded obligations and
11 liabilities of the State of Illinois.

12 You don't hear anything about this. They
13 just tell you something about 500,000. I'll tell
14 you about that. What happened was that POB deal
15 came up from a guy by the name of John Filan. I
16 mean a genius guy. You're going to see him, he's
17 going to come in here and testify. The guy can
18 think up things we don't even understand, that's the
19 kind of guy he is. And he said this is what the
20 State of Illinois is going to do and it's never been
21 done before, never been done before, we're going to
22 issue bonds in 10-billion lots, 10 billion, the
23 reason we're going to do that is because we can pay
24 a lot lower interest.

25 Remember, this was 2003 and interest rates

opening statement on behalf of Rod Blagojevich 631

1 were coming down. We owe that 8 percent, we can
2 borrow at 5, and we can sell those bonds, we can do
3 it. You know how much money that came out of that?
4 You know how much money they saved when POB finally
5 went through? \$350 million because of him.

6 But you know what they told you in the
7 opening that the evidence in this case will show
8 you? Absolutely not true. He didn't pick a single
9 firm to buy the bonds. Not one. You're going to
10 find out that that POB deal was picked, done,
11 completed by John Filan. A guy who ain't corrupt, a
12 guy who's about as smart as anybody you ever met.

13 Now, you know what they told you here, you
14 know what they said --

15 I can't even turn this thing on (indicating.)

16 Remember they had that \$500,000 dollar up
17 there from that POB deal? I'm telling you now,
18 don't take my word for it, no, follow the money.
19 Follow the money. We got four months here with
20 them. They accepted the burden. She stood up here
21 and said, "we accept this burden," you follow the
22 money.

23 You'll hear everything you can from right
24 here (indicating). I'm telling you, not a single
25 penny went to a campaign, went to an account, went

opening statement on behalf of Rod Blagojevich 632

1 to his pockets; nothing. The \$500,000 went to a guy
2 by the name of Aramanda who gave it to Rezko. And
3 do you know who Rezko paid, this inner circle, this
4 wholly corrupt inner circle? Do you who he paid?
5 He paid off his debts. You're going to find that
6 out about Rezko. Rezko is the Bernie Madoff of
7 Chicago. You're going to find that out.

8 He had pyramid scheme after pyramid scheme
9 and fooled everybody, including, with all due
10 deference, Governor, you.

11 He fooled him. Wait till you find out who
12 Tony Rezko is. This is a man who build his career,
13 his career fooling people. He started off in 1983
14 as a civil engineer, and then he started back in
15 Harold Washington and that's when he started getting
16 his political plays. And what happened when he
17 backed Harold Washington? He ended up getting into
18 a thing called Crucial Concession. It was the first
19 minority business to do concessions for the City of
20 Chicago on Lake Shore Drive and some of these parks
21 in Chicago. And he started becoming a good
22 businessman. And he started, as you'll find out, in
23 1999 he started a real estate, too, and he built
24 himself up.

25 And in '89, he came in with a guy by the name

opening statement on behalf of Rod Blagojevich 633

1 of Dan Mahru and started a corporation called
2 Rezmar. Rezmar exploded. And Tony Rezko, an
3 immigrant from Syria. Syria, one of the poorest
4 nations in the Middle East. He escaped Syria and
5 came to America for two reasons: to better himself
6 at first, to provide for his family.

7 One of the things I got to tell you about
8 Tony, as Bernie Madoff he is, as bad as he is, that
9 man loved his family. You'll find out how much in a
10 minute.

11 In 1989 when Rezmar started, he started
12 putting properties and building them up in the
13 African-American communities in Chicago. By the
14 time it was 1999, he was worth \$34 million, they had
15 done over 30 tall buildings, rehabbed them all, over
16 125,000 different apartments. Tony Rezko was
17 seeming to be one of great character, one of the
18 great stories of Chicago. On the other side of
19 that, he was also in the political game. You're
20 going to find out that Tony Rezko wasn't just a
21 fundraiser for Rod Blagojevich. Tony Rezko gave
22 hundreds of thousands of dollars, raised hundreds of
23 thousands of dollars to people like who? People
24 everybody respects: Barack Obama. He raised
25 hundreds of millions of dollars for the President of

opening statement on behalf of Rod Blagojevich 634

1 the United States George Bush. This man raised
2 money for Dick Durbin, Harry Reid. He was not
3 somebody that you look up and go, Jesus, man, I'm
4 going to hide my purse.

:35PM 5 This guy was the stuff. He was so good, I
6 kid you not. I'm not making this up, you're going
7 to find out right from there (indicating). He was
8 so good he was considered and awarded the Arab
9 American Businessman of the Decade by the Arab
:35PM 10 American community; of the decade. That's how good
11 he was.

12 And the Governor saw it, Dick Durbin saw it,
13 Barack Obama saw it. Had no idea what was happening
14 to Tony was implosion. Tony got himself in
:36PM 15 businesses he couldn't sustain. You're going to
16 find out that by 2003 he had gotten way off of just
17 real estate and into businesses about money,
18 businesses about food. You're going to find out,
19 you know who bought the first Subways of Chicago,
:36PM 20 the first Subway? Tony Rezko. By 2003 he had 26
21 Papa John's here in Chicago, 15 Papa John's in
22 Wisconsin, 7 Papa John's in Detroit. Everybody saw
23 this as a great businessman, a man who knew what he
24 was doing. A man who raises that kind of money must
:36PM 25 know the campaign laws and he saw the same thing.

opening statement on behalf of Rod Blagojevich 635

1 what you didn't know was that those Papa
2 John's were failing and he got in debt, and he got
3 in debt, and he got in debt, and what he started
4 doing instead of coming forward and saying I got
5 myself in trouble, he started borrowing money from
6 here to pay off A, and then he borrowed money from B
7 to pay back A, and then he borrowed from C and D to
8 make sure they got paid. And every time--I promise
9 you this is what the evidence is going to
10 show--every time he lied to the person he was
11 borrowing from.

12 And you know, when that POB deal that they
13 put up there, that \$500,000 that they say he got?
14 Follow the money. He didn't get, touch, see, spend,
15 feel a dime. Tony Rezko did what he did to anybody
16 who owed him money, he lied and he paid off his
17 debts.

18 You're going to find out, without a doubt,
19 the money came from a man by the name of Kjellander.
20 I can't even spell it. It starts with a "kj," how
21 you get "Kjellander" out of that I don't know, but
22 it's Kjellander. And Kjellander was the guy who
23 helped Bear Stearns. The Governor had nothing to do
24 with Bear Stearns. Didn't pick 'em, didn't know
25 them, never met Kjellander. That's how he made it

opening statement on behalf of Rod Blagojevich 636

1 here today. They're just saying these things.

2 Follow the money if I'm wrong.

3 Now, you heard some names that she brought up
4 today. You heard them: Lon Monk. Lon Monk. This
5 case today is the Governor's fault. And I'm being
6 as honest with you as I can. It's the Governor's
7 fault.

8 Governor, it's your fault.

9 He trusted one person. He lived with him,
10 ate with him, went out with him, knew him and loved
11 him. He's known Lon Monk since law school. They
12 lived together. You're going to find out a little
13 bit about the Governor.

14 The Governor comes from the northwest side of
15 Chicago. He doesn't like me to say it, but poor.
16 His father came over from Yugoslavia and worked in
17 the steel mills hard every day, worked his hands to
18 the bone teach so he can teach his two kids right
19 from wrong. Just so he could teach his kids you
20 work hard for a living. He was a living example of
21 what was supposed to be. And Blagojevich knew it.
22 That's what I call him, I'm sorry.

23 He knew it and he watched it. And his mother
24 worked hard to the bone. Every day she'd come home
25 tired. From what? Punching tickets at the CTA up

opening statement on behalf of Rod Blagojevich 637

1 on the north side of Chicago. The man had never
2 been in a doctor's home, never been in a lawyer's
3 home, didn't know any of it. But he knew one thing,
4 he knew that when his father raised him, he raised
5 him to do things the right way. He raised him to
6 make sure you work hard, and he did.

7 You're going to find out a little bit about
8 the Governor here. Instead of going to his high
9 school graduation, you know where he went? To
10 Alaska to work in the Alaska Pipeline with his
11 father. Went up to Alaska. why? So he could put
12 money aside, put it in the bank to make sure he gets
13 an education. And he did. That's the kind of man
14 he is. You don't hear those stories if you read
15 this stuff, but that's who the man is.

16 And he put that money aside and he went down
17 to Tampa to college, and he left there and he worked
18 his way into Northwestern and graduated out of
19 Northwestern. And then there came a choice, a
20 decision, do we simply get a college education or do
21 we honor our parents and go as far as you can? He
22 made it all the way to the Governor's mansion from a
23 four-bedroom flat from the northwest side of
24 Chicago.

25 He believed it. He knew it. He got accepted

opening statement on behalf of Rod Blagojevich 638

1 into Pepperdine. Pepperdine is about as far away an
2 experience as we are from Mars right now from the
3 north side of Chicago. It sits in Malibu. Malibu.
4 You got an ocean on one side, you got beautiful
5 manicured lawns and mansions on the other. You're
6 going to find out, he's going to tell you this, you
7 go down and get a coffee and there's Brian O'Neal,
8 there's Farah Fawcett. It's a totally different
9 experience.

10 And who should he meet? And you'll see him.
11 A man who personifies California. You're going to
12 see Lon Monk. 6 foot 2, beautiful tanned skin,
13 beautiful hair -- maybe not as good as others, but
14 beautiful hair; right. He personifies and
15 Blagojevich liked him. He was a hard worker, he had
16 ethics. He had this thing about him where you just
17 knew. You know how you meet people? You just know,
18 that's a good guy. And they moved in together and
19 they lived there in Malibu and they shared
20 experiences.

21 You're going to find out that the Governor,
22 the Governor here, later on falls in love to a
23 beautiful intelligent. And I'll get to her in a
24 moment, Patti. Before he can marry her, you know
25 what he does? He can't call, he doesn't write, he

opening statement on behalf of Rod Blagojevich 639

1 goes all the way to Washington, D.C., later on in
2 1989 and meets Lon Monk as a 32-year old man and say
3 can I do this, and more appropriately probably for a
4 32-year old man, should I do this.

5 And how he trusted him. You're going to find
6 out one last fact and then I'll move on. Lon Monk
7 wasn't just a friend. Like I told you, he loved
8 him, and there was a reason for it. He exemplified
9 America. And I'm not overstating that, hear me out.

10 When he's finally there and they got this
11 relationship building, Lon Monk does something that
12 Blagojevich has never done in his life before, he
13 takes him to meet his father who is a specialized
14 gynecologist. A gynecologist literally for the
15 stars. And they pull up at the house and there they
16 are, they get out of the car, and there's this
17 beautiful house and this beautiful lawn and he knows
18 Lon comes from value and he knows who he is and
19 there looks out and he sees something he's never
20 seen before, on Lon Monk's lawn are two peacocks,
21 peacocks. This is a man who's been kicking rocks
22 out of his back door growing up and this guy's got
23 peacocks. That simplifies what we're talking about.

24 He goes inside and he meets his father. And
25 his father is a runner. I mean a runner, 70

opening statement on behalf of Rod Blagojevich 640

1 marathons, the guy's got to be 70, 80 years old and
2 still running marathons. And everybody knows the
3 man runs, everybody knows that's what he's into.
4 And he talks to him and he listens to him and he
5 finds out the things that his father was teaching
6 Lon, be honest, be good and have respect. That's
7 what his father, Lon's father told him he had raised
8 and he had seen it.

9 So what happens, ladies and gentlemen? I'll
10 get to him being in Congress in a moment, but what
11 happens in 2002? The first Serbian Governor of
12 Illinois history. The first Blagojevich probably to
13 have been elected to office, ever. Who does he go
14 to to help him with this campaign? Who does he go
15 to to make sure things are done right? Who does he
16 pick to make sure that as chief of staff the
17 business is run the right way?

18 You're going to find out that the Governor is
19 responsible and the State of Illinois has 52 billion
20 dollar budget a year. You control 52 billion. You
21 know the stakes are a coming, you know the jackals
22 are a coming. And who does he put in place to
23 protect him from that, to keep him from the Rezkos,
24 to keep him from the Chris Kellys? Who does he put
25 in there? Does he go down to the State of Illinois

opening statement on behalf of Rod Blagojevich 641

1 Capital Building and say, hey, Mr. Madigan, give me
2 somebody you can trust? No. Does he go over to
3 Mayor Daley and say, hey, Mayor Daly, I know you've
4 been entrenched with Chicago politics for I don't
5 know how long, give me somebody you can trust? No.
6 You know who he brings in as his chief of staff?
7 Lon Monk.

8 Do you know what Lon Monk was doing in 2002?
9 He was a volleyball agent in California.

10 volleyball. That's the guy he picks because he
11 knows nobody. He knows nobody in politics. He
12 doesn't have to worry about somebody sneaking around
13 and running over to the competition, sneaking around
14 and going over there to somebody who's going to
15 steal things for the State of Illinois.

16 Lon Monk is trustworthy. And you know how he
17 finds this out? After the election is won, do you
18 know who is responsible for the roads and
19 commissions? Do you know who makes the signs? Do
20 you know who is the one that determines whether or
21 not they actually do it? You're going to find this
22 out, Lon Monk. He trusted him. He trusted him.
23 How do you know this? How do you know I'm right,
24 ladies and gentlemen of the jury, how do you know
25 that's what the evidence in this case is going to

opening statement on behalf of Rod Blagojevich 642

1 show you?

2 You heard this very State Attorney's stand up
3 here and tell you that of all the cash in this case
4 he didn't take a dime, but they say they found out
5 that Lon Monk did. That's what they say. She stood
6 up here and told you that Lon Monk, Chris Kelly, the
7 Governor and Tony Rezko were in a conspiracy to rip
8 off the state.

9 Now, there's two things I want to tell you
10 about that, two. Number one, when Lon Monk took
11 cash, he will come in and tell you, he was in this
12 conspiracy, the Governor knew this, the Governor did
13 that, the Governor told me that. But do you know
14 there's 4 billion people on this planet. Who is the
15 one person he refused to tell him he took cash? Who
16 is the one person he never told he took cash? Who
17 is the one person he kept it from? Him
18 (indicating). He hid it from him.

19 And you know why he hid it from him? It's
20 not hard, it's simple. He ain't corrupt. If there
21 is this organization going on that she talks about,
22 if there's this whole scheme, Lon Monk, remember
23 this, isn't just the coconspirator, it's his best
24 friend, and he doesn't tell his best friend he's
25 taking cash in May of 2004?

opening statement on behalf of Rod Blagojevich 643

1 He goes down, you're going to find out, and
2 talks to the FBI in 2005. The evidence is going to
3 show you, he doesn't say Blagojevich, look, I got
4 this cash, what am I going to do about it, the FBI
5 is talking to me? Nothing like that. He'll tell
6 you, he refused to tell him. It's because there was
7 no money.

8 The second thing I promised to tell you about
9 is Stuart Levine. Stuart Levine. Now, I know I'm
10 sweating and this is kind of apropos because once
11 you hear about Stuart Levine, we'll all need
12 showers. Stuart Levine is about as corrupt an
13 individual as you have ever seen. Even in the
14 history of ever, this is the most corrupt man ever.
15 He's a man that's going to come in here and tell you
16 that 1972 to 2004 he has committed more crimes that
17 he remembers. More than 100 crimes this man has
18 committed. Stuart Levine, you're going to find out,
19 is about as reprehensible as anything. I'll show
20 you, I'll show you. This man, this man is so
21 reprehensible that when they charge him with a crime
22 he's facing mandatory life. Their witness they say
23 is so bad he shouldn't walk amongst us, he gets
24 mandatory life in a ten by ten by ten cell; crimes.
25 Unless what? Oh, unless he comes in here and points

opening statement on behalf of Rod Blagojevich 644

1 at him and says he did something, and then you know
2 what he gets? 5 years, 5 and a half years. Life to
3 5 and a half years for a 60 something old man. And
4 you know how many days he's spent in prison so far?
5 Not one. All you have spent more time here than he
6 has. Not one.

7 And you want to know the best part of it,
8 ladies and gentlemen? You want to know, you want to
9 know his connection to the Governor? There is none.
10 He met him once. Once. I don't want, I don't want,
11 maybe twice. He met him once or twice. Do you know
12 how many conversations you're going to hear taped
13 with him and the Governor? Zero. They taped 1724
14 conversations of Levine. Do you know how many there
15 was with him and the Governor? Zero. None. They
16 tape him with about 5500 conversations of the
17 Governor. Do you know how many they're going to
18 play between him and Stuart Levine? None. Zero.

19 He doesn't know the guy. He was a
20 republican, get this, a republican who was the
21 chairman of I guess the fundraising committee for
22 Jim Brian. Jim Brian, one of the most respected
23 politicians ever in the history of Illinois was his
24 best friend, went to law school with him, put him on
25 the chair of his finance committee, and you're going

opening statement on behalf of Rod Blagojevich 645

1 to find out Stuart Levine gave him half a million
2 dollars. It's another Madoff story and it's true.

3 But what you're going to find out about
4 Stuart Levine is, while I'm sitting here telling you
5 just how bad he is, again for 32 years nobody knew
6 it; nobody. The evidence in this case is going to
7 show you, he has been committing more than 100
8 crimes for 32 years and the FBI couldn't find out.

9 You're going to find out that this was one of
10 the top international businessman in the history of
11 business. He was so good he at one time was worth
12 \$70 million. Businesses here, businesses there,
13 businesses everywhere. He's so good. And I wish I
14 could get credit for making this up, but the King of
15 Sweden knighted him. He's Sir Stuart Levine.

16 He fooled everybody, but he caught the
17 Governor's eye. All that happened in this case,
18 ladies and gentlemen, and you're going to see it, is
19 the Governor made a mistake; he did. The Governor's
20 judgment is horrible, I mean horrible. Maybe after
21 this maybe he's got bad judgment for his lawyers
22 too, but I just tell you horrible, horrible. He
23 trusted Levine.

24 You know who appointed Stuart Levine to the
25 TSR Board? Not him, Jim Edgar. You know who

opening statement on behalf of Rod Blagojevich 646

1 appointed Stuart Levine to the Health Facilities
2 Planning Board? I don't remember them mentioning
3 that, but it's HFPB, Health Facilities Planning
4 Board. Do you know who appointed him to that? Not
5 him. It was George Brian. All he did was say it's
6 coming up, reappoint him, so he got reappointed.
7 The whole connection you're going to find out is
8 that Bernie Madoff, Rezeko, got in touch with Bernie
9 Madoff II, Lon, and they conspired and schemed and
10 he knew nothing about it.

11 Do you know what his connection to Capri
12 Capital? You'll find out about these names, but
13 remember that, Capri Capital. Nothing, he knew
14 nothing about it. Do you know how much money he got
15 out of Capri Capital? Nothing. Not a dime.
16 There's another name, a guy named Tommy Rosenberg
17 that they supposedly, quote/unquote, shaked him down
18 and this type of thing, do you know how much money
19 he got from that? Nothing; not a dime. Do you know
20 how much they can show he asked for? Nothing; not a
21 dime. Do you know how much cash they're going to
22 come in here and prove that he got? Nothing; not a
23 dime. Do you know many envelopes that you'll find
24 out he got? Nothing; not a dime. The man,
25 according to them, is broke. He didn't Rob us.

opening statement on behalf of Rod Blagojevich 647

1 what happened here, ladies and gentlemen, is
2 he was fooled. Absolutely fooled. And you'll know
3 it because you're going to spend four months with
4 him, you're going to see how it happened. He's a
5 big-idea guy. That's all he is. And if you watched
6 him at all as a Governor, you'd know it. He can get
7 up there and yell and scream about big ideas, but
8 when it comes to the minutia of it, you're going to
9 hear him saying: Yeah, America is wonderful for one
10 reason and one reason only, because of the hard work
11 of the people, this is the only place where the C
12 student can get the A student to do this stuff.
13 That's him. I got the big ideas, you guys do it,
14 and Rezko took advantage of that, Levine took
15 advantage of that.

16 And if he didn't, seriously, if he didn't,
17 the evidence is going to show you that there was a
18 52 billion dollar budget, billion, and he couldn't
19 figure out how to get a penny out of 52 billion?
20 You got to be -- you have to be comatose if you
21 can't figure out how to get a dollar out of 52
22 billion. But you know who did it? Them. And then
23 the government puts up there that they arrest these
24 people. They arrest them: Chris Kelly here, and
25 they arrest Rezko here.

opening statement on behalf of Rod Blagojevich 648

1 Let me tell you one last thing about the
2 first part of this case and how you're going to know
3 he's not corrupt. Nobody knew about TRS and about
4 the Health Facilities Planning Board until the feds
5 started investigating Levine in May of 2004.

6 Now, remember, they're going to come in here
7 and tell you there was this deal where the four of
8 them got together and planned out that they were
9 going to steal money from the state, that Rezko was
10 somehow, some way gonna put it in an account and
11 hold it for him after he became Governor whenever
12 that might, and if he became an ambassador or
13 something, just hold it somewhere, somehow. Wait
14 till you find out if they got an account. But if
15 that's true, why in 2004, May, when it finally comes
16 to his attention, nobody comes to him before that,
17 nobody. They're not going to have one witness come
18 in here and tell you: You know I went to
19 Blagojevich and I told him, you know, Gov, people
20 are selling things here, people are doing the wrong
21 things here, are you sure this is how it's supposed
22 to be done, are you sure we should do it this way?
23 Not one. It's not until the feds started
24 investigating in May of 2004 Levine and Rezko.

25 And you know what he does? He finds out from

opening statement on behalf of Rod Blagojevich

649

1 a person by the name of Susan Lichtenstein, his
2 corporation counsel, and Lon Monk down in
3 Springfield. He flies back up here and he meets
4 with Tony Rezko, Chris Kelly, Lon Monk and him. And
5 do you know what the conversation is? And you don't
6 have to take my word for it, you don't even have to
7 take his word for it, Lon Monk will tell you this,
8 Lon Monk told the feds in 2005 and told them in
9 2009, the thing that Blagojevich says to Rezko is
10 what: Are you doing something at the Health
11 Facilities Planning Board?

12 Now, if they were in a conspiracy, he'd know
13 they were doing something. And Rezko tells him no,
14 I'm not doing anything over there. He lies to him.

15 Now, if that were the end of it, ladies and
16 gentlemen, you might say well, that might be a
17 put-on. Do you know what the last thing he does?
18 He sends Lon Monk who goes to the Inspector General
19 who is a law enforcement agency for the State of
20 Illinois to investigate corruption, the IG. Do you
21 know who the IG is? A person by the name Z. Scott a
22 U.S. Attorney and she investigates. He turns them
23 on to Rezko. He did (indicating). The man they say
24 that he is in cahoots with. He turned them on to
25 him himself. Nobody would do that. I don't care

opening statement on behalf of Rod Blagojevich 650

1 how crazy you think the man might be, nobody would
2 do that. He turns the inspection on them. And they
3 got nerve to put these things up here. Not a dime.

4 And they investigated and found nothing. And
5 do you want to know the next thing that happened,
6 the next thing you're going to find out, when they
7 couldn't find a dime on him, do you know who they
8 picked on, who did they go after? Patti.

9 Let me tell you about Patti. She stood here
10 and told you Tony Rezko was paying her off. Let me
11 tell you a little bit about Patti. There was an
12 agreement by Tony Rezko and the Governor that, look,
13 if you're going to help me pick these people, do
14 these things for me, and you're going to fundraise
15 and you're going to make sure I have a diverse
16 administration, he knows a lot of contacts in the
17 black community, he knows a lot of contacts in the
18 Arab community, if you're going to do that, then you
19 can't do state business. I mean, the evidence in
20 this case is going to show you, that would be the
21 easiest way to simply get money, give the guy a
22 contract, he kicks it back to you, he makes sure
23 Tony Rezko does no state business. And that's why
24 Patti goes to work with him.

25 Now, let me fill you in on Patti. Patti is

opening statement on behalf of Rod Blagojevich 651

1 the daughter of one of the most powerful aldermen in
2 the City of Chicago, Richard Mell, Big Mell. Patti
3 determined I'm not going to be a princess, an
4 alderman's daughter princess. I'm going to get out
5 here and bust my bones. I have two daughters, I
6 want to make sure they respect a woman who works.
7 You don't need a man to go out here and do it. I
8 don't care who my father is, I don't care if I marry
9 the Governor of the state--which she ends up
10 doing--I'm going to work.

11 So what does she do? She goes to college.
12 Busts her butt and gets good grades and graduates.
13 Is that the end of it? Is that enough for her? No,
14 she goes out in 1989 and gets her real estate
15 license and begins to delve in real estate. Is that
16 good enough for her? No, she says I can do better
17 than that, I'm just as good as a man, and in 1989
18 after 10 years working in a manufacturing company
19 and doing real estate on the side, she says I can do
20 better and she gets a real estate broker's license.
21 She's a broker. Is that the end of it for her? No,
22 I can do better than that, and in 1999 after getting
23 her broker's license she says, ah-ha, there's a
24 thing called a two-fer, I can do two things for one
25 person and get paid to do those things and she goes

opening statement on behalf of Rod Blagojevich 652

1 out and she gets an appraiser's license. Is that
2 good enough for her? No, in 2003 she says, you know
3 what, I got at least 2500 hours of appraisal work,
4 I've been busting myself to the bone, I'm going to
5 get myself a master appraisal's license. And in
6 2500-hours at a 4500 hour course and she passes it
7 with a 94. Is that good enough for her? No, you're
8 going to find out in 2008 she goes and gets her
9 Series 7 license so that she can trade stocks, so
10 she can do things with the SE -- I don't know what
11 the Series 7 is but she's doing it. Is that good
12 enough for her? No. You're going to find out, I'm
13 not making this up, you're going to find out that
14 she gets Series 66 license, she teaches herself
15 these things and passes that. Is that the end of
16 it? No.

17 Patti Blagojevich is going to get here on the
18 stand and answer these questions, there's no doubt
19 about it. And when she sits up here you're going to
20 find out all the things I said are true and more.
21 That because of the investigation of her husband,
22 because of the FBI in 2003, 2004, 2005, 2006, 2007,
23 2008 and all the way up to today they have been
24 going and questioning her clients, she can't get
25 business. So the last thing she does, all those

opening statement on behalf of Rod Blagojevich 653

1 degrees, all those licenses, now she had to finally
2 find a way to sell insurance. Now she's got her
3 insurance license. This woman has got more degrees
4 and licenses than Westwood College Office. And
5 she's a good one and she loves her man.

6 They came up together from 1990 and they got
7 two kids and they're making it, man. This woman
8 loves her man and understands who he is and stands
9 by him. So when you hear when it comes up that
10 she's on tapes sometimes saying, "fuck the Cubs,"
11 that's because the Tribune went after him, that's
12 because the Tribune kept saying impeach him, that's
13 because she's a good woman. She's a good woman and
14 she worked. They didn't tell you this, they didn't
15 tell you this about Patti. They say Patti all of a
16 sudden opened up the mail and Rezko had a check in
17 the mail. They didn't tell you that in 2001,
18 February 1st, 2001, she entered into a contract with
19 Rezmar, a written contract that she would be a
20 buyer/broker agent for Rezmar and it was a two-year
21 contract, and when that expired she had a baby, and
22 in October 1st of 2003 entered into another written
23 contract that everyone knew about, that was
24 publicized.

25 And that contract wasn't written by her, Lord

opening statement on behalf of Rod Blagojevich 654

1 knows it wasn't written by him (indicating), that
2 contract was written by a top, and when I say "top"
3 I mean a top lawyer, under 40, a best top lawyer, a
4 guy by the name of Brian Hynes who sat down with him
5 and said, look, this is what we're going to do, this
6 is how it has to be done and it has to be legal, and
7 they wrote out the contract.

8 And the contract provided in writing that
9 Patti can do something called prospecting, just like
10 in 1948 when they sent them out to get the gold and
11 sent it back east, prospect, find buildings, more
12 than a million, and if we buy them you get the
13 commission. She's a prospect. She could real
14 estate, be an agent, she could assess, she was a
15 two-fer and she did it.

16 You're going to hear the address of 1101 west
17 Lake. She did the work. She sat down with Tony
18 Rezko and went through the plans and told Tony:
19 Look, I understand this, and get this right, I
20 understand that the buyer and the seller know one
21 another, so I don't have to go through all these
22 things and call and set up dates, but what you need
23 to know, what you gotta do is make sure you got a
24 good deal for yourself.

25 And she sat down with Tony and she sat down

opening statement on behalf of Rod Blagojevich 655

1 with the lawyer and explained to them: This is
2 Chicago, you're going to see contracts here, in
3 Chicago what's the most important thing when you get
4 real estate other than location, location, location,
5 location? Parking. Probably better than location
6 nowadays with parking. And you're going to find out
7 that the first contract they had, the buyer and the
8 seller of 1101 West Lake didn't contract for gas,
9 heat, water, electric or parking, and Patti went
10 through the plans diligently. And you're going to
11 find out they subpoenaed her records and right in
12 her records are the plans. It's not as if she was
13 some kind of ghost pay roller, she's got the plans,
14 she went through them. And you know what ends up on
15 the very last contract? Gas, heat, water, electric,
16 parking. She did her job and she got her
17 commission.

18 And even that, ladies and gentlemen, Patti
19 was doing business in that contract under a business
20 that she developed called River Realty. And you
21 don't have to take my word for it that she did the
22 work, you don't have to take her word for it that
23 she did the work, the lawyers who drew up the
24 contract were Shefsky & Froelich.

25 On January 21st, 2004, Shefsky & Froelich

opening statement on behalf of Rod Blagojevich 656

1 sent the Chicago Title company a letter:

2 "... I write to notify you that Chicago Title
3 and Trust erroneously issued the broker check
4 for the above-referenced transaction to River
5 Realty. The buyer/broker in this matter and
6 the entity to which the check is to be reissued
7 is Rezmar ..."

8 River Realty did the work on this transaction
9 but Rezmar was the buyer's broker of record, River
10 Realty, Patti, did the work and she got paid.

11 And, lastly, you know how they hid it, you
12 know how Blagojevich and his wife did with all that
13 money? They paid taxes on every dime. They
14 declared every dime. The federal government knew
15 she got a check, knew where the check came from, how
16 much it was, and she paid her taxes on every single
17 dime. You're going to hear from an expert, Lee
18 Williams, come in and tell you, everything was done
19 right.

20 I know, I know, I got a little bit to go.
21 Once we settle that, there's a couple of more
22 issues. I'm not going to be able to get to
23 everything they say because I'd be up here literally
24 five days and Lord knows we got to get going on this
25 thing, but let's talk about the second part.

opening statement on behalf of Rod Blagojevich 657

1 All these things they put up there about him
2 demanding money. You wait and see, ladies and
3 gentlemen, you heard about the school and Rahm
4 Emanuel. When they call Rahm Emanuel and he sits up
5 here, you wait and see if he tells you he was ever
6 extorted. You wait and see. You know what you're
7 going to find out? The school got their money. You
8 want to know what you're going to find out? He
9 never had a fundraiser. You want to know how many
10 times Ari is going to come in here and tell you, he
11 was never asked to do a fundraiser or anything like
12 that. Never, not once.

13 You know how many tapes you're going to hear
14 of him saying anything about the Chicago school not
15 getting their money? Never, nothing; it didn't
16 happen. They got their money, that's it.

17 Now, how do we find ourselves there? Because
18 in 2005 what happened in this case is very simple.
19 Once it came to his purview that Rezko was not who
20 he said he was and Chris Kelly was not who he said
21 he was, he said that is it, enough, I am not going
22 to be in a position from here on out where I don't
23 have legal counsel doing these things.

24 And he went out and determined in 2005 that
25 I'm going to find me the best lawyers that the State

opening statement on behalf of Rod Blagojevich 658

1 of Illinois can offer. And you're going to find out
2 he did. You're going to find out that a guy by the
3 name of William Bill Clinton -- oh, no, not Clinton,
4 Quinlan. Sorry. Sorry. Sorry. Sorry. Quinlan,
5 let me get -- okay. Quinlan, Bill Quinlan, is one
6 of the best lawyers this state can offer. You're
7 going to find out he's the top 40, you're going to
8 find out he made super lawyer in 2007, 2008, 2009,
9 2010, as he sits here now, a super lawyer, and you
10 know who he was? The Governor went out and got him
11 and named him as his chief counsel, a lawyer. And
12 then he says, you know that's not enough, I want to
13 find the best law firm I can find or law guy I can
14 find to make sure he's my special counsel, and
15 you're going to hear about John Harris.

16 You're going to find out John Harris pled
17 guilty here and nobody can tell you why. John
18 Harris was about straight an arrow as you're ever
19 going to find; ever. This is a man who dedicated
20 his life to law enforcement. You're going to find
21 out about John Harris. John Harris being out of law
22 school and went in the JAG Corps in the Armed Forces
23 and he came out a captain. And you know what he did
24 in the JAG Corps, what they do (indicating),
25 prosecute. This is a prosecution-oriented man. He

opening statement on behalf of Rod Blagojevich 659

1 lived his life by the law. You're going to find out
2 after that John Harris gets a job with the City of
3 Chicago. Do you know what that job is? Deputy
4 Superintendent of the Chicago Police. This is a
5 cop. This is a man who's dedicated himself to law
6 enforcement. And after that, when the Daley
7 administration had what they call the hired truck
8 scandal, they bring him in to clean it up. And he
9 becomes his special counsel in his chief of staff.

10 And that wasn't it. You're going to find out
11 he went out and he got a man by the name of Greenly,
12 educated at Yale, law school from the University of
13 Chicago; Bradley Tusk, law school University of
14 Chicago; Sheila Nix, lawyer, don't know where she
15 went. He surrounded himself by them.

16 And you're going to find out and there's
17 absolute evidence of this, he talked to them every
18 day, five, six, seven times a day. You're going to
19 find out that, unfortunately, after all these things
20 happened, you got a man who is probably--and he's
21 going to kill me for saying it--but he's probably
22 one of the most insecure man you are ever going to
23 see. He checks constantly, am I doing this right,
24 can I do this, are we doing this right, can I do
25 this.

opening statement on behalf of Rod Blagojevich 660

1 You're going to find out he calls his lawyers
2 so much, they won't take his phone calls. You just
3 heard it from his own brother, won't take his phone
4 call. You're going to find out, Lon Monk, after
5 getting out of his administration, has to lie--get
6 this--lie about his sick father so he'll stop
7 calling him, he says I'm going to visit my father,
8 don't call me, when he's actually in the Dominican
9 Republic drinking sodas and Cokes and rum and stuff.

10 That's him. He calls constantly. He's got
11 to have his advise, he's got to make sure what he's
12 doing is right. And you know what you're going to
13 find out, out ladies and gentlemen? I'm telling you
14 now, how they stood up here and said, see, he wanted
15 HHS because it benefited him, he wanted this thing
16 called Change To Win because it benefitted him. Do
17 you know who came up with that? Do you know who
18 created all that? His lawyers. His lawyers.

19 You're going to find out that once Chris
20 Kelly and Tony Rezko were gone, he sat down with
21 John Harris and he sat down with Bill Quinlan and
22 ask them tell me how to do it right and you're going
23 to find out that his state of mind is: I got to
24 know how to do this, I want to make sure I don't get
25 Tony'd up anymore, I want to make sure I do it

opening statement on behalf of Rod Blagojevich 661

1 right. And they sat him down and they said, we'll
2 deal with it, and they went and researched and they
3 came back and sat him down.

4 And John Harris at the Governor's mansion
5 said: Governor, this is what you have to know, you
6 got to know it in your mind, we can't have anymore
7 problems with fundraising, the circuit that we're
8 in, Governor, is the Seventh Circuit, and the law in
9 the Seventh Circuit, I want to make sure you got
10 this, I want to make sure you get this right. I got
11 it, I got it, I got it. Okay, the law in the
12 Seventh Circuit absent some explicit language
13 otherwise accepting a campaign --

14 MS. HAMILTON: Your Honor, I'm going to
15 object.

16 THE COURT: The objection is sustained.

17 MR. ADAM, JR.: May we have a sidebar, Your
18 Honor?

19 THE COURT: No.

20 MR. ADAM, JR.: He told him, there's a thing
21 in the law called a quid pro quo and that means you
22 have to explicitly tell somebody I'm doing this if
23 you give me that, or I won't do this if you don't
24 give me that. It has to be expressed he was told.

25 MS. HAMILTON: Objection.

opening statement on behalf of Rod Blagojevich 662

1 MR. ADAM, JR.: That's what he was told.

2 THE COURT: I'm going to sustain the
3 objection for now. I would actually have to hear
4 that evidence before I could rule. So if this does
5 get in, you can raise it again at a later time. For
6 now I'm sustaining the objection.

7 MR. ADAM, JR.: Yes, your Honor.

8 You're going to find out they sat down and
9 they had a discussion and it shaped his state of
10 mind from that period on. It shaped his state of
11 mind.

12 You're going to find out what he believed.
13 He's going to tell you what he believed, he's going
14 to tell you what he was told. There is nothing
15 wrong with accepting campaign contributions.
16 Nothing wrong with it. In fact, that's how the
17 world goes, that's how you get elected. The problem
18 is when everybody says, if it's pay or play. That
19 doesn't mean pay or may be. That means in order to
20 play, you have to pay, and you got to be told it.
21 And the Governor did all his actions from that
22 period on on the advice of his lawyers. And you're
23 going to see, you're going to hear, they have taped
24 5500 conversations, 2000 conversations on the
25 Governor's home phone or whatever it is. He's

1 talking to his lawyer about everything. You're
2 going to find out that the straightest arrow, John
3 Harris, the man who's lived his life told him, don't
4 take campaign contributions for the senate seat, you
5 can't do that, he says I know. If you want, if
6 there's something out here that you think you can do
7 better, if you think you're better for HHS because
8 of health care, then you can make a play. And who
9 came up with this idea of Change to win? Not him;
10 John Harris said it, there's nothing wrong with the
11 political position for a political position, you
12 just can't take money.

13 And that's why they can't find a dime,
14 because he never took one. His lawyers advised him
15 on everything and you'll hear it from him and when
16 they come in here you'll hear it from them.

17 Now, there's two last things. I could talk
18 to you about John, but I just did. There is no pay
19 to play there. You're going to find out on a
20 racetrack bill John said in April I got \$100,0000
21 for you; oh, thank you. And then all when it comes
22 time eight months later to sign a bill, John says,
23 well, ah, I know I'm supposed to give \$100,000, just
24 sign the bill. It's a shakedown of him: Sign the
25 bill and you'll get your hundred grand.

opening statement on behalf of Rod Blagojevich 664

1 By the way, they weren't losing \$9,000 a day.
2 Let me get this clear for you. You know what the
3 racetrack bill is? That racetracks will get money
4 from casinos to share a profit. Racetracks will get
5 welfare from the casinos. They didn't lose \$9,000 a
6 day, the casinos just weren't giving them the \$9,000
7 a day. You'll see all of this. But he followed the
8 letter of the law.

9 But there is two everybody wants to know and
10 then I will sit down, there's two, we know there's
11 two: Children's Memorial and Jesse Jackson and I
12 know you want to know.

13 Let's take Children's. I have a confession,
14 it's reprehensible to me, but you are going to find
15 out that he was cheating on Patti. You are going to
16 find that out. 162 days a year that man was
17 cheating on Patti: He loved the Cubs like nobody's
18 business. Like nobody's business. That was his
19 mistress. I can stay up late at night, maybe not
20 even come home watching the Cubs. He loved them.
21 He can sit there right now and tell you anything you
22 want to know about it; batting averages, batting
23 stances, managers, people who weren't even on the
24 Cubs, and he can tell you anything and everything
25 about the Cubs. He loved them. And this is about

opening statement on behalf of Rod Blagojevich 665

1 Children's Memorial. You got to understand a little
2 background and then you'll understand the Cubs part.
3 The background is, the Governor had a philosophy in
4 politics, and that was I gotta stay independent.
5 And the way you stay independent is to make sure you
6 have your own campaign contributions.

7 If I want to fight for something downstate, I
8 can't be beholding to Madigan, if I want to fight
9 something downstate I can't be beholding to Emil
10 Jones, who you're going to find out is the president
11 of the senate. I got to stay independent, I got to
12 stay independent.

13 And so yes, did they take an aggressive
14 attitude toward fundraising? Yes. Did they break
15 the law? No. But that was so that, bam, if you can
16 stay independent you don't have to bow down to
17 Madigan. And so that's what he did and Madigan did
18 not like it.

19 Madigan is the Speaker of the House and he
20 started blocking any and everything. Now, you're
21 going to find out that in 2008 there were two things
22 that were important, there's the capital bill and a
23 general budget. The capital bill is for the
24 infrastructure of the state. If you want to build a
25 bridge, you want to build a road, it's got to come

opening statement on behalf of Rod Blagojevich 666

1 out of the capital bill because that's the
2 infrastructure of the state. And Madigan blocked
3 it. wouldn't call bring the bill on to the floor to
4 be passed. He wouldn't call the bill.

:22PM 5 And the second thing is a general budget, and
6 that's everything else. If you want to pay anybody
7 in the state police, it comes out of the general
8 budget, if you want Medicare payments, it's gotta
9 come out of that. This is what Madigan did. He was
:22PM 10 brilliant. He says, this is how I'm going to get
11 him is this way, that Governor is a pain in my butt,
12 bam, if I don't do the capital bill, what's going to
13 happen? All of those contractors who are supposed
14 to get the contracts are going to blame one person,
:22PM 15 and you know who they're going to blame? Him.
16 Governor, work it out with Madigan down there.

17 And the second thing is the general budget.
18 Now what happens? what Madigan does is, he adds 2.5
19 billion to that. It's just like our homes, ladies
:22PM 20 and gentlemen, if you're spending, you gotta bring
21 it in. If you're spending, you gotta bring it in.
22 Madigan added 2.5 billion to the spending.

23 So he's got a choice, one of two choices,
24 either raise taxes on us or cut. And he, from day
:23PM 25 one, in the POB deal, he won't raise taxes. So what

opening statement on behalf of Rod Blagojevich 667

1 does he do? He spends all summer of 2008 cut, cut,
2 cut, cut. And you know everybody is getting angry.
3 Cutting out state parks, the tree hovers are going
4 nuts. You cut out Medicaid payments, everyone is
5 going crazy because of all those things that are
6 going on for Medicaid. Everybody is going nuts.

7 So what does he do? You're going to find out
8 from Bob Greenly, you're going to find out from the
9 people. He gets the mentality, I don't need to see
10 anybody because they want two things, they either
11 want me to give or they want me to cut somewhere
12 else and give some more. So he backs up and he
13 won't take people's phone calls.

14 And you're going to find out about Patrick
15 Magoon. In the late summer Patrick Magoon starts
16 calling. He feels so comfortable--he's the
17 president and CEO of Children's Memorial--he feels
18 so comfortable with the Governor he calls him
19 personally and the Governor won't take his calls
20 because he knows what it is, give us some money.
21 But I gotta cut; give us some; but I gotta cut. And
22 he calls him, and he calls him, and he calls him,
23 and he won't take it.

24 He feels so comfortable with his relationship
25 with the Governor, you know what he does? He writes

opening statement on behalf of Rod Blagojevich 668

1 him a note: Please, please Governor, please. And
2 the Governor won't respond because he's got to cut.
3 Patrick Magoon is not a dumb man. You're going to
4 find out he gets paid \$913,000 from Children's.

:24PM

5 Talk about cancer that could be resolved, if I heard
6 913,000, that's what the man gets paid by paid by
7 Children's.

:24PM

8 what happens? He goes, ah-ha, I know how to
9 get the Governor, I'll get the one person in the
10 world of everybody in the world, I'll get the one
11 person in the world I know will take his phone call.
12 And you know who that is? You think Patti, right?

:25PM

13 No. Dusty Baker. This is going to come, Magoon
14 calls Dusty Baker and says please get a hold of the
15 Governor. Dusty Baker, the former manger for the
16 Cubs at the time at Cincinnati Reds, okay. And you
17 know what happens? Dusty Baker calls him. He takes
18 his call, of all the people in the world, he takes
19 his call. Dusty, hi, how's it going, I'm a great
20 fan, what do want? Dusty, it's good to hear, what
21 do you want? Can you do \$10 million for Children?
22 Dusty, for you, you got it. You got it. And he
23 gives Children's Memorial 8 or 10 million dollars.

:25PM

:26PM

24 Now, you wait and see, if you hear one
25 conversation, one, where the Governor says hold that

opening statement on behalf of Rod Blagojevich 669

1 money up, slow that money down. You wait and see if
2 you hear one. I'll tell you what happened here.
3 After he gives the money, commits to it, tells his
4 people to do it and it's in the process, he finds
5 out that Patrick Magoon is the head of the Illinois
6 Hospital Association, the head, the IHA. The IHA is
7 the biggest hospital association in Illinois. They
8 have previously given him \$575,000. Knowing that
9 he's the head, he asks his brother, and you'll hear
10 it. It doesn't say, you better tell him to give me
11 my stuff, he says, can you ask him to do a
12 fundraiser. And Pat Magoon won't answer his call,
13 his brother's call. All the things Pat Magoon did
14 to get a hold of him, he won't even call his brother
15 back. And does he call up and say stop that stuff,
16 I'm not doing it, hell with Magoon? No. Do you
17 know what he does: what did I tell you was going on
18 at the state at the time? There were budget
19 concerns. There was no general budget. He had to
20 cut. And he calls up Greenly and he's angry, he's
21 angry and he says: Look, if we had to, if we could,
22 if we needed to, could we pull that back for
23 budgetary concerns? And the guy says yeah, you
24 could. Okay, that's good to know.

25 why does he do that? He wants to tell Dusty

opening statement on behalf of Rod Blagojevich 670

1 Baker, next time, Dusty, don't call me when Magoon
2 gets ahold of you. That is it. I'm not making that
3 up. I'm telling you what the conversation was. The
4 day he is arrested, he thinks it went out, he thinks
5 Children's got their money. He never told anybody
6 not to do it. Not one. He asks a simple question,
7 and that's their evidence and you'll hear it: If we
8 needed to pull that back, could we do it for
9 budgetary concerns. Yeah, okay, that's good to

10 know, I'll tell Dusty. That's Children's Memorial.

11 And I know what everybody thinks. He never
12 stopped anything. He never stopped a child from
13 getting help, he never stopped a kid from getting
14 cured. In fact, you're going to find out that the
15 minute he found it it didn't go through, as Governor
16 indicted, he told them you better get this over
17 there; that's Children's Memorial.

18 Now, the last thing is Jesse Jackson, Jr.,
19 and that's about as upsidedown accounting as you
20 will ever find. This man was taking not a dime from
21 Jesse Jackson, Jr.; not a dime. What happened, just
22 like Children's, is another Michael Madigan story.
23 Michael Madigan was blocking everything. Everything
24 he wanted was blocked and there was a log jam down
25 there. And the Governor had this thing that's

opening statement on behalf of Rod Blagojevich 671

1 golden, you saw it up there and I'll tell you about
2 that in a second. This thing that's golden, this
3 was the first time in American history we had a
4 black President, a black President that comes from
5 Illinois, and a black seat, and this is the first
6 time that a Governor had that kind of decision in
7 Illinois, the most powerful, the biggest decision of
8 his entire administration, we have to appoint
9 somebody to that seat.

10 And there's all kind of politics behind it.
11 You're going to see and you're going to hear, he's
12 going nuts all over the place. Listen, this is just
13 life, man, listen this is an African-American seat,
14 do I appoint somebody who is African-American? If I
15 don't appoint somebody that's African-American,
16 goodness they're going to be all over me. What
17 about an Hispanic? I can do an Hispanic. Well,
18 that's a good thing, too, but what about over here,
19 what about Lisa Madigan, what if I do Madigan?

20 You're going to hear he goes through 85 to 90
21 names, but the number one person from day one to the
22 end is Lisa Madigan. why? why? Because of what he
23 can get by appointing the man that's blocking him,
24 his daughter. Now, that's real, that's what the
25 evidence in this case is going to show you.

opening statement on behalf of Rod Blagojevich 672

1 And you don't have to take my word for it,
2 you don't have to take their word for it, he's going
3 to get up there and tell you exactly what was going
4 on, the face in the pie, the things he said and to
5 who.

6 You're going to find out that his number one
7 pick, number one, was to stop that log jam down
8 there and get things for the People of the State of
9 Illinois. You heard her say in the opening
10 statement, he should be concerned with that. Wait
11 till you find out how many times you're going to
12 hear it. She says you won't, I'm telling you you
13 will. Every day, let's do something right for the
14 People of Illinois.

15 And this is what he said on November 28,
16 you're going to hear it, he's going to tell you,
17 when it comes to Lisa Madigan this is what we're
18 going to do, here's the list, we got to pass an
19 infrastructure bill to create 500,000 jobs, we're
20 going to make sure there's no roll backs on all kids
21 healthcare, universal testing for prostate and
22 testicular cancer, we can ensure 300,000 poor people
23 who don't have children who are not eligible for
24 Medicaid through the Illinois assist program, we
25 don't want to raise the income or sales tax between

opening statement on behalf of Rod Blagojevich 673

1 now and 2012, we agree to balance the budget for the
2 next 2 years, you got to do all that and you're
3 starting in December and maybe they'll do it, we can
4 get it done by my birthday December 10th. Do you
5 know when he's arrested? December 9th.

6 Now, let's talk about that. Michael Madigan
7 won't even talk to him, Lisa Madigan's got
8 investigations going out the wazoo, won't talk to
9 him. How do you get this done? How do you get this
10 done? You gotta have an intermediary. And you're
11 going to hear it and you're going to see it: You
12 gotta get an intermediary. And you know who ends up
13 being the intermediary? The person they say he
14 tried to extort, Rahm Emanuel. Rahm Emanuel calls
15 on December 8th and tells John Harris, I'll do it,
16 I'll be the go-between. And do you know how that
17 arose, do you know how he got to that? Because the
18 people in Washington, the big shots, and I mean big
19 shots, the Dick Durbins, President Obama, Rahm
20 Emanuel, do you know what they wanted more than
21 anything? That that senate seat be held by the
22 democrats in 2010 and Jesse Jackson, Jr., couldn't
23 keep it. They didn't think he could win in 2010.
24 And they did everything they could to let him know.

25 You're going to hear that Harry Reid called

opening statement on behalf of Rod Blagojevich

674

1 him and says that basically, whatever you do,
2 there's an old expression, Lord just send me
3 somebody, and they were Lord just send me somebody
4 just not Jesse Jackson, Jr. Well, but -- no, not
5 just Jesse Jackson, Jr., Lord please. That's what
6 you're going to find out. And he used that. And
7 you're going to hear it, you're going to see it, he
8 knew it and it was working, if I met with Jesse
9 Jackson, Jr., if I make those guys out there think
10 he's coming, oh, Lord, they'll do for me as long as
11 he don't go. And it worked. And Rahm Emanuel was
12 going to come out here and start the process of
13 getting her in and the next day he's arrested.

14 Nothing about campaign contributions.
15 Everything was about making Jesse think he was going
16 to be the one. Everything about making Jesse get
17 out here so the Washington people would think he's
18 the one. You're going to find that out, you're
19 going to see it, you're going to hear it, and you're
20 going to know it. He wasn't taking a dime from
21 Jesse Jackson, Jr. And with all due deference to
22 him, Jesse Jackson, Jr., ain't giving nobody any
23 money.

24 And you want to know how you know I'm right
25 and they're wrong and that's what the evidence in

opening statement on behalf of Rod Blagojevich 675

1 this case is going to show? Because we don't have
2 to rely on third parties, we don't have to rely on
3 any intermediary, we don't have to rely on
4 somebody's supposition. Do you know why? Because
5 on December 8th at 4:00 o'clock in the Governor's
6 office it happened. Jesse Jackson, Jr., and Rod
7 Blagojevich met with John Harris, the buyer and the
8 seller met with John Harris there. And you want to
9 know what this tangible political support was up
10 front? You want to know what this shakedown was up
11 front? Do you know what they discussed? And you
12 don't have to take it from me and you don't even
13 have to listen to him, they're witnesses are going
14 to come in here and tell you, the buyer and the
15 seller met. And do you know what they discussed?
16 Health care, would you come out for health care,
17 would you come out ahead of time and say you're for
18 my health care, will you come out and make sure that
19 you'll get rid of the log jam if I appoint you
20 senator. Do you know how much money was discussed
21 that he would give him? Not a dime. Do you know
22 how many contributions he asked for when the buyer
23 and the seller met? Nothing; not a dine.

24 And you know the last thing you're going to
25 find out that makes you know what's right? when

opening statement on behalf of Rod Blagojevich 676

1 that buyer and that seller walked out of that room,
2 who gets arrested? Him (indicating) while Jesse
3 Jackson, Jr., runs down to Starbucks and gets the
4 coffee. There was nobody buying or selling nothing.
5 It was a strategic play that worked.

6 Now, I may not have hit everything, ladies
7 and gentlemen. We got a long time to be together.
8 When this case is over, I'll try to get to the
9 things that I didn't get to and I'll be back up
10 here, seriously and humbly, asking you for a not
11 guilty, begging you for a not guilty. And when you
12 see the witnesses and you hear this evidence, when I
13 ask you for that not guilty, I don't think I'll have
14 to ask you twice. I thank you.

15 THE COURT: We will resume again tomorrow
16 morning at 9:30.

17 THE MARSHAL: All rise.

18 (The following proceedings were had out of the
19 presence of the jury in open court:)

20 THE COURT: Please be seated in the
21 courtroom.

22 Counsel approach the lectern.

23 (Brief pause).

24 THE COURT: What's up for tomorrow?

25 MR. SCHAR: Judge, we're going to start with

opening statement on behalf of Rod Blagojevich 677

1 case agent Dan Cain. I would expect his testimony
2 to be about 45 minutes to an hour on direct.

3 THE COURT: And then?

4 MR. SCHAR: The second witness of the day
5 would take us through the day I'm sure, Judge, would
6 be Lon Monk.

7 THE COURT: Okay. So we're set for that?

8 One observation I do want to make. I don't
9 mind if you yell at the jury.

10 MR. ADAM, JR.: Yes, your Honor.

11 THE COURT: If you yell that way at a
12 witness, I'll sit you down.

13 MR. ADAM, JR.: Yes, sir. Yes, sir.

14 THE COURT: Thank you.

15 MR. SOROSKY: Can I ask just ask one
16 question? Traditionally, an FBI agent testifies at
17 the end. Do they plan to call agent Cain at the end
18 of the case?

19 THE COURT: Who knows.

20 MR. SCHAR: Judge, I'm sorry, I fear for my
21 life if I go back downstairs without answering this
22 question. There's been a number of inquiries in our
23 office about release of exhibits once they're put
24 into evidence and we'd just like guidance from Your
25 Honor as to how you'd like to handle that.

1 THE COURT: It depends on the exhibits, so
2 you'll tell me and we'll talk about it.

3 MR. SCHAR: Very good, Judge.

4 THE COURT: There may, for example, be no
5 objection, there may be objections, there may be
6 good grounds for an objection. I'll consider them
7 one by one. And since I will have heard how they're
8 being used in context, it'll be easier for me to
9 decide.

10 MR. SCHAR: Very good, Judge. Thank you.

11 MR. ADAM, JR.: Thank you, your Honor.

12 THE COURT: Thank you.

13 (Adjournment taken from 4:39 o'clock p.m. to
14 9:30 o'clock a.m. on June 9, 2010.)
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I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT
FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED
MATTER

/s/Blanca I. Lara

date

Blanca I. Lara

Date